

Mr. Chairman, members of the committee, my name is Helene Robinson.

You have seen the size of this proposed Compact where all the precedent-setting details are hidden in the Appendices and Abstracts. It is not a transparent document.

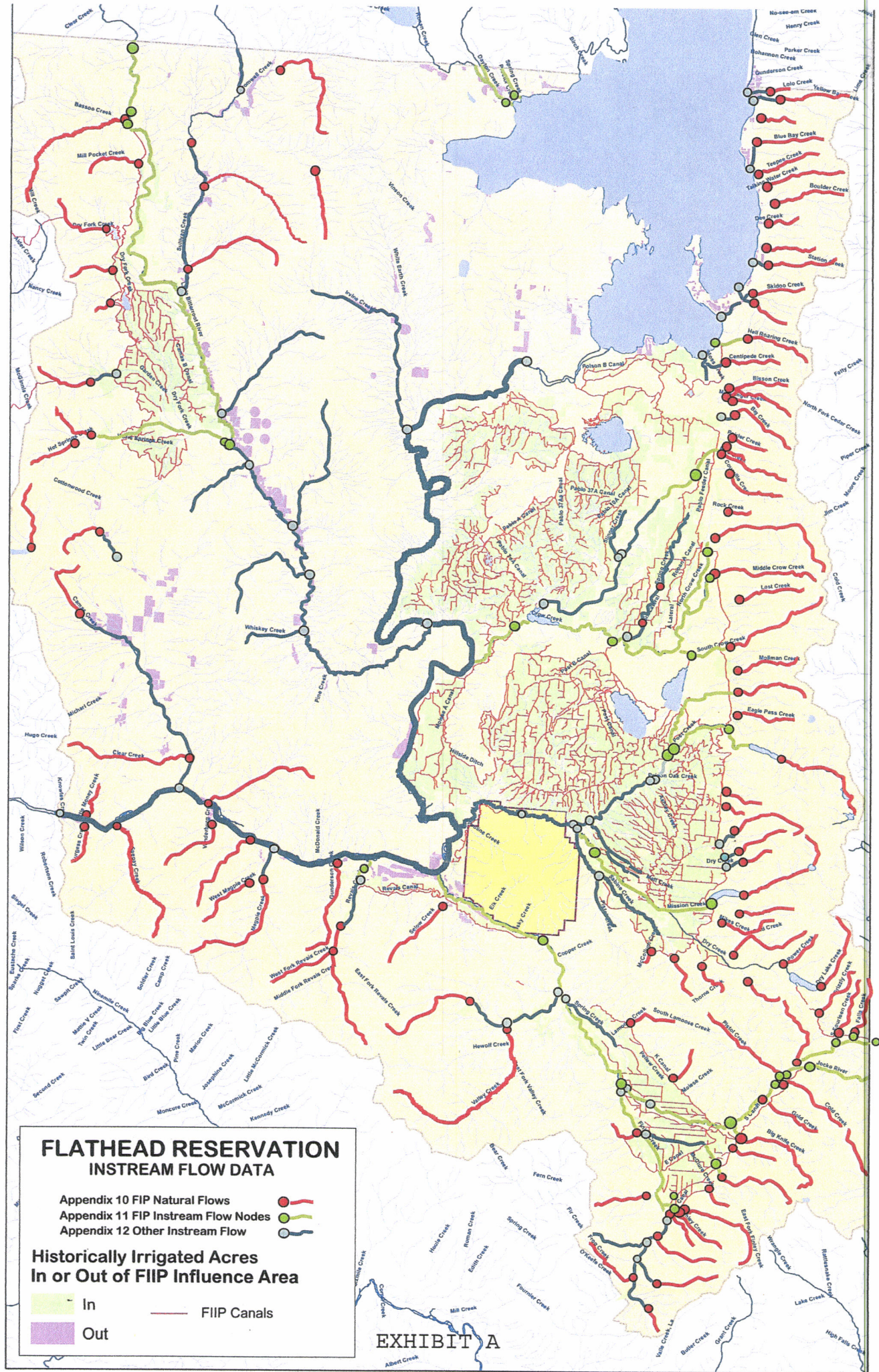
For example, there are over 200 pages of Abstracts that are maps describing the locations of more than 105 separate instream flow points on the reservation and across eleven counties in western Montana. It is impossible to really tell what's going on from these individual maps or where there might be impacts from these instream flows.

You've heard the expression, "A picture is worth a thousand words." Well, these two maps I am providing, show all the instream flows, consolidated on two pages. In this case, the picture is worth "over 200 pages of maps."

Just this lack of transparency is enough reason to say, "NO" on SB 262. Such an important decision as this must rely on facts, not thousands of pages.

With your permission, Mr. Chairman, I have a handout for the committee.

Thank you.



FLATHEAD RESERVATION INSTREAM FLOW DATA

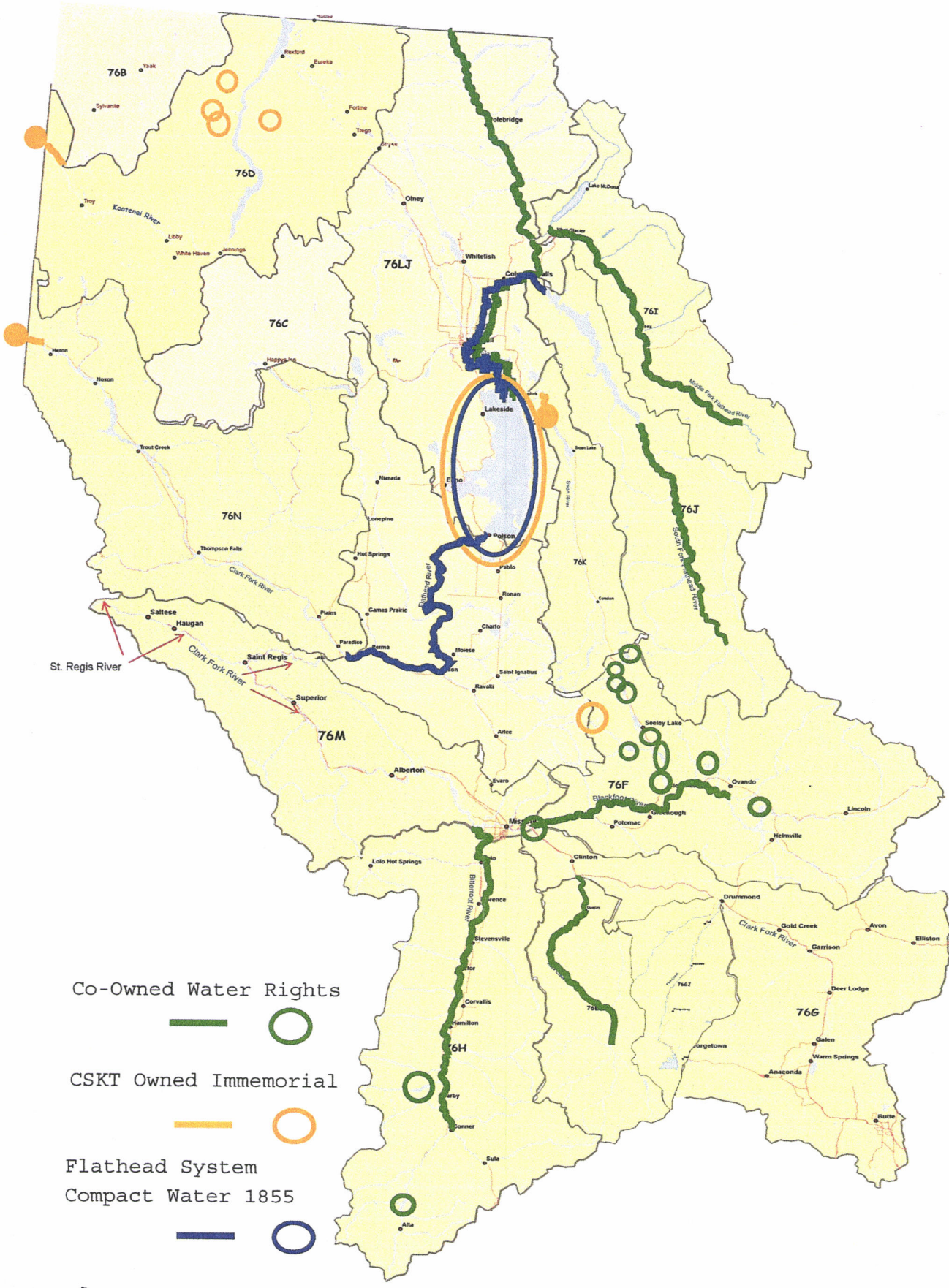
- Appendix 10 FIP Natural Flows
- Appendix 11 FIP Instream Flow Nodes
- Appendix 12 Other Instream Flow

Historically Irrigated Acres In or Out of FIIP Influence Area

- In
- Out
- FIIP Canals

EXHIBIT A

CSKT Water Compact -
Off Reservation Water Rights Claims



Mr. Chairman, members of the committee, I'm John O'Neil from Kalispell.

Speaking for thousands of freedom loving Christians in the Flathead Valley and beyond, I remind you of your oath, "I do solemnly swear --so help me God". So you swore to God, that you will uphold the constitutions of Montana and the United States. You have heard from many well informed sources that this compact is unconstitutional. We pray you have read these constitutional statements that are the law of the land.

These laws are not written for lawyers. They are written for We the People!

Briefly stated they are:

Article I: All lands owned by Indian tribes are subject to the jurisdiction and control of the U.S. Congress. State may not interfere. The Compact proposes that federal jurisdiction over Indian affairs extend to private lands within the Flathead Indian Reservation

Article II refers to equal protection under the laws. Also in the U.S. Constitution.

By enacting the compact's "Unitary Management Ordinance", a law will be created that treats all the state citizens on the reservation differently than in the rest of the state.

Article II: Afford reasonable opportunity for citizen participation prior to final decision. Citizen participation was disallowed and ignored during the entire compacting process for the CSKT. Instead citizens were forced to endure "progress reports" on what private negotiations had agreed upon already

No person shall be deprived the right to examine documents and observe the deliberations. Citizens were not permitted to observe negotiation deliberations, especially this past summer when the Compact Commission held numerous private meetings.

Private property shall not be taken for public use without just compensation. Also in the U.S. Constitution. The Compact permits the taking of private property rights of more than 2,000 irrigation families on private land within the Flathead Indian Reservation, and without any compensation.

Article IX, Section 3, water rights

All existing rights to the use of any waters are recognized and confirmed. The Compact is enabling the state to ignore all non-Indian existing rights to the use of the waters of the state

The use of all water that is now or may be appropriated shall be held for public use. The Compact awards a large volume of water to the federal government off-the reservation, preventing its public use

All waters are the property of the state for the use of its people. The Compact permits the federal government to co-own vast quantities of water belonging to the state, interfering with its public use

That's about two typed written pages and constitutes the law of the land as opposed to 1500 pages of the unconstitutional CSKT Compact.

Do not go along to get along.

The Apostle John said, "and you shall know the truth, and the truth shall make you free".

Paul wrote to the EPHESIANS:

For we wrestle not against flesh and blood, but against principalities, against powers, against the rulers of the darkness of the world, against spiritual wickedness in high places.

What matters at the end of the day is your integrity.

The first compact to honor is the one you have with God.

With permission I have a hand in for the committee.

The Constitution of the State of Montana

ARTICLE I COMPACT WITH THE UNITED STATES

All provisions of the enabling act of Congress (approved February 22, 1889, 25 Stat. 676), as amended and of Ordinance No. 1, appended to the Constitution of the state of Montana and approved February 22, 1889, including the agreement and declaration that all lands owned or held by any Indian or Indian tribes shall remain under the absolute jurisdiction and control of the congress of the United States, continue in full force and effect until revoked by the consent of the United States and the people of Montana.

ARTICLE II DECLARATION OF RIGHTS

Section 4. Individual dignity. The dignity of the human being is inviolable. No person shall be denied equal protection of the laws. Neither the state nor any person, firm, corporation, or institution shall discriminate against any person in the exercise of his civil or political rights on account of race, color, sex, culture, social origin or condition, or political or religious ideas.

Section 8. Right of participation. The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

Section 9. Right to know. No person shall be deprived of the right to examine all documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merit of public disclosure.

Section 29. Eminent domain. Private property shall not be taken or damaged for public use without just compensation to the full extent of the loss having been first made to or paid into court for the owner. In the event of litigation, just compensation shall include necessary expenses of litigation to be awarded by the court when the private property owner prevails.

ARTICLE IX

Section 3. Water rights.

(1) All existing rights to the use of any waters for any useful or beneficial purpose are hereby recognized and confirmed.

(2) The use of all water that is now or may hereafter be appropriated for sale, rent, distribution, or other beneficial use, the right of way over the lands of others for all ditches, drains, flumes, canals, and aqueducts necessarily used in connection therewith, and the sites for reservoirs necessary for collecting and storing water shall be held to be a public use.

(3) All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law.

(4) The legislature shall provide for the administration, control, and regulation of water rights and shall establish a system of centralized records, in addition to the present system of local records.

The Constitution of the United States of America

ARTICLE IV

Section 4. The United States shall guarantee to every State in this Union a republican form of government...

AMENDMENT V

No person shall... be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

AMENDMENT XIV

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

RICHARD A. SIMMS

ATTORNEY AT LAW

Overnight Priority Mail

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Nov. 16, 1991 - Nov. 27, 2012
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November 5, 2014

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Dear General Fox:

Representatives of your office, the Compact Commission, the Legislative Services Division, and the Water Policy Interim Committee have been told that the Confederated Salish & Kootenai Compact violates Art. IX of the Montana Constitution. The common response has been to say that Art. IX § (3)4 states that “[the] legislature shall provide for the administration, control, and regulation of water rights and shall establish a system of centralized records, in addition to the present system of local records.” After emphasizing the phrase “the legislature shall provide,” it is my understanding that your position has been that in ratifying the CSKT Compact the legislature would be doing exactly what the Constitution mandates, *i.e.*, providing for the administration of water rights. Your response is the same response that is overweeningly recited by the Compact Commission, the Legal Services Division, and the Water Policy Interim Committee. The purpose of this letter is to explain how illusory the response is.

The provisions of Art. IX of the Montana Constitution apply interactively to the State of Montana. Art. IX, § 3(1) provides that “[a]ll existing rights to the use of any waters for any useful or beneficial purpose are hereby recognized and confirmed.” The existing rights referred to in Art. IX are all water rights perfected in Montana by diversion and application to beneficial use under the territorial and common law of prior appropriation in Montana prior to 1973, the year the Montana Water Use Act was enacted.

Art. IX § 3(3) states that all “surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law.” This provision results from the federal government’s initial deference to the emergence of territorial and state water law in the West, which was enacted into federal law through the Act of July 26, 1866, 14 Stat. 253, the Act of July 9, 1870,

16 Stat. 218, and the Desert Land Act of March 3, 1877, 19 Stat. 377. Finally, Art. IX § (4) of the Montana Constitution provides that "[t]he legislature shall provide for the administration, control, and regulation of water rights and shall establish a system of centralized records, in addition to the present system of local records."

The mandate to provide for state administration of water rights required: 1) the adjudication of all pre-1973 water rights recognized and confirmed in Art. IX § (3)1 in order to make them subject to administration; 2) the creation of a statutory procedure for perfecting new (post-1973) water rights and changes in place or purpose of use of both pre-1973 rights and newly permitted water rights; 3) the creation of a statewide system of *inter sese* adjudication wherein all water rights are determined as between individual water right owners and the state **and as among one another** in order to make the United States, on its own behalf, and on behalf of its Indian wards, subject to being named a party defendant in Montana's state court water rights adjudication under the McCarran Amendment; and 4) the creation of a system of administration for all interdependent, adjudicated water rights as among one another. As planned at the Constitutional Convention, on the same day the Montana Constitution was adopted, the Montana legislature created statutory schemes for all four of these prerequisites in order to enable the State to provide for the "control and regulation of the water rights" and the establishment of "a system of centralized records, in addition to the present system of local records." All four of these statutory schemes mandated by Art. IX of the Montana Constitution have statewide application for the simple reason that Montana's organic law does not carve out gaping geographical holes in its application.

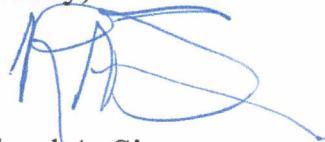
If the legislature were to ratify the CSKT Compact it would:

- 1) Preclude the formal recognition of the individual water rights owned by both Tribal and non-Tribal irrigators in the Flathead, Mission, and Jocko irrigation districts on the Flathead Reservation, contrary to state and federal law;
- 2) Effectuate a taking of: a) the real property rights of some 23,000 non-Indians residing within the boundaries of the Flathead Reservation; b) the real property rights of the irrigators in the Flathead, Mission, and Jocko irrigation districts and c) the water rights appurtenant to their property within the boundaries of the Flathead Reservation, in violation of the Fifth Amendment of the United States Constitution;
- 3) Violate the equal protection clause of the United States Constitution;
- 4) Usurp the system of statewide adjudication, administration, and regulation of water rights in Montana currently in place as a result of the mandate of Art. IX;
- 5) Vitiate the system of centralized records mandated by Art. IX;

- 6) Give plenary control over the administration of all water rights within the Flathead Reservation, whether "derived from tribal, state or federal law," to a single entity whose water rights are adverse to all other water rights in the relevant water basins in the pending statewide adjudication in the Montana Water Court;
- 7) Usurp McCarran Amendment jurisdiction over the United States, not only with respect to its own rights, but also for its claims of rights for the CSKT in trust;
- 8) Totally negate the contemplation of Art. IX with respect to state control over the adjudication and administration of the interrelated and conflicting water rights *inter sese*;
- 9) Take away the ability to administer the water rights of the United States on its own behalf and the water rights of the United States on behalf of its Indian wards as against the water rights of all non-Indian citizens of Montana residing in the affected water basins; and
- 10) Completely upend the object of Art. IX of the Montana Constitution and numerous laws enacted by the Montana legislature pursuant to the mandate of Art. IX.

In conclusion, the blind assertion that the ratification of the CSKT Compact would "provide for the administration of water rights pursuant to Art. IX of the Montana Constitution," is dead wrong under both federal and state water law. The conveyance of exclusive administrative authority to the Tribes under "The Law of Administration" means that the UMO (or the Law of Administration) "shall govern all water rights, whether derived from tribal, state, or federal law" and "shall control all aspects of water uses, changes of existing uses, enforcement of water right calls and all aspects of enforcement within the exterior boundaries of the Flathead Indian Reservation." In sum, the "Law of Administration" obliterates Art. IX of the Montana Constitution and all of the Montana law enacted pursuant thereto by the Montana legislature.¹ To conclude that the ratification of the CSKT Compact would "provide for the administration, control, and regulation of water rights" in Montana is completely inane.

Sincerely,



Richard A. Simms

¹ Pursuant to the "Law of Administration," "any provision of Title 85, MCA, that is inconsistent with this Law of Administration is not applicable within the Reservation."

Cc: Members of the Montana Reserved Water Rights Compact Commission
Members of the Water Policy Interim Committee
All Legislators
John Tubbs, Director of the Montana Department of Natural Resources
and Conservation

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O. BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

EXHIBIT 56
DATE 4/11/15
SB 262

Water Right Number: 76LJ 30052867 COMPACT
Version: 1 -- ORIGINAL RIGHT
Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate:

NO FLOW RATE IS DEFINED FOR THIS WATER RIGHT.

Maximum Volume: THIS WATER RIGHT IS FOR ALL NATURALLY OCCURRING SURFACE WATER IN
FLATHEAD LAKE UP TO THE SHORELINE ELEVATION OF 2883 FEET ABOVE
MEAN SEA LEVEL.

Source Name: SWAN RIVER
Source Type: SURFACE WATER
Source Name: FLATHEAD RIVER (FLATHEAD LAKE)
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1						LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Source Name: <u>FLATHEAD RIVER (FLATHEAD LAKE)</u>						
Diversion Means: INLAKE						
Diversion Type: PRIMARY						
2						FLATHEAD
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Source Name: <u>FLATHEAD RIVER (FLATHEAD LAKE)</u>						
Diversion Means: INLAKE						
Diversion Type: PRIMARY						
3						LAKE
Period of Diversion:						
Source Name: <u>SWAN RIVER</u>						
Diversion Means: INLAKE						
Diversion Type: PRIMARY						
4						FLATHEAD
Period of Diversion:						
Source Name: SWAN RIVER						
Diversion Means: INLAKE						
Diversion Type: PRIMARY						
THE POINT OF DIVERSION IS THE SAME AS THE PLACE OF USE.						
Period of Use: JANUARY 1 to DECEMBER 31						

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
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THE PLACE OF USE IS FLATHEAD LAKE, BOTH ON AND OFF OF THE FLATHEAD
INDIAN RESERVATION.

Remarks:

SEE 30052867 MAP EXHIBIT(S) 1.
PROPOSED.V1.2015

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THE PURPOSE OF THIS WATER RIGHT IS FOR THE MAINTENANCE AND ENHANCEMENT OF FISH HABITAT. THIS WATER RIGHT SHALL NOT BE CHANGED TO ANY OTHER OR ADDITIONAL PURPOSE.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

- THE SOURCES FOR THIS WATER RIGHT INCLUDE ALL NAMED AND UNNAMED TRIBUTARIES THAT DRAIN DIRECTLY INTO FLATHEAD LAKE.

Project Reservoirs.

- i. The Tribes have the right to water necessary to maintain Minimum Reservoir Pool Elevations for FIIP reservoirs in the quantities and locations set forth in the table and abstracts of water right attached hereto as Appendix 15. The exercise of this portion of the Tribal Water Right is subject to Article IV.C and E and superseding Federal law allowing for regulation of reservoir elevations.
 - ii. The Minimum Reservoir Pool Elevations will become enforceable according to the schedule attached hereto as Appendix 3.4.
 - iii. The priority date for the water rights set forth in this Article III.C.1.e is July 16, 1855.
 - iv. Until such time as the Minimum Reservoir Pool Elevations set forth in Article III.C.1.e become enforceable pursuant to Article IV.C, the Tribes shall be entitled to enforce those interim reservoir pool elevations identified in Appendix 13. The Tribes and the United States shall enforce these interim reservoir pool elevations only pursuant to Appendix 13 or existing practice as of December 31, 2014, and subject to superseding Federal law allowing for regulation of reservoir elevations.
- f. **Wetland Water Right.** The Tribes have the right to all naturally occurring water necessary to maintain the Wetlands identified in the abstracts of water right attached hereto as Appendix 16.

The priority date for the Wetland water rights set forth in this Article III.C.1.f is time immemorial.

- g. **High Mountain Lakes Water Right.** The Tribes have the right to all naturally occurring water necessary to maintain the High Mountain Lakes identified in the abstracts of water right attached hereto as Appendix 17.

The priority date for the High Mountain Lakes water rights set forth in this Article III.C.1.g is time immemorial.

- > h. **Flathead Lake.** The Tribes have the right to all naturally occurring water necessary to maintain the level of the entirety of Flathead Lake at an elevation of 2,883 feet as described in the abstract of water right attached hereto as Appendix 18.

76K swan SW mainstem and UT

76K swan GW mainstem and UT

FLATHEAD mainstem SW

FLATHEAD(FLATHEAD LAKE) mainstem SW

FLATHEAD mainstem GW

98

2

96

190

29

The first 415 Water Users to be at risk and "Susceptible to Call" (a Water Shut-Off) under the CSKT Compact's new "Off-Reservation" Water entitlements.

FLATHEAD LAKE AND FLATHEAD RIVER MAINSTEM

Rev. 5.14.14

415 Water Users

WRNUMBER	ALL_OWNERS	COUNTY_NM	PURPOSES	WRTYPE	PRTY_DATE	SRCTYPE	VOLUME	MAX_ACRES
76LJ 101134 00	BRUCE H LOUDEN; KENNETH D LOUDEN; LOUDEN RIVERSIDE FARMS	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	18/02/1997	S	243.86	89.00
76LJ 103328 00	O CONNELL FARMS PARTNERSHIP	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	14/05/1956	S		141.00
76LJ 103333 00	DOUGLAS J BUFFINGTON; KATHY BUFFINGTON; JAMES A HOLLENSTEINER; WANDA M HOLLENSTEINER	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	01/06/1963	S		180.00
76LJ 104681 00	GINA S NELSON; GREGORY M NELSON; DONALD E PETERSON; MARILYN R PETERSON	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	31/05/1952	S	224.00	112.00
76LJ 104747 00	CROP HAIL MANAGEMENT INC	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	31/07/1972	S		100.00
76LJ 106898 00	DONALD R BURTON	FLATHEAD	IRRIGATION; RECF	PROVISIONAL PERMIT	01/04/1999	S	82.85	36.00
76LJ 109419 00	HORMUTHS RIVERS END RANCH LTD	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	07/07/1969	S		214.00
76LJ 114558 00	RP INVESTMENTS	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	01/07/1946	S		150.00
76LJ 116952 00	HOLLY CAVENDER; JOHN J CAVENDER	FLATHEAD	IRRIGATION; STOC	PROVISIONAL PERMIT	30/08/2001	S	25.90	10.00
76LJ 116953 00	HOLLY CAVENDER; JOHN J CAVENDER	FLATHEAD	IRRIGATION; STOC	PROVISIONAL PERMIT	30/08/2001	S	25.90	10.00
76LJ 133 00	TEKSU RIVERA	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	20/08/1973	S	62.50	54.00
76LJ 134764 00	MARSHALL, LEONARD E FAMILY TRUST	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	24/09/1936	S		56.00
76LJ 134765 00	OURS LAND, SUSAN P TRUST	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	01/07/1937	S		88.52
76LJ 134791 00	FINK, ROBERT & DONNA LIVING TRUST; ANASTASIA D HOEFT; WILLIAM HOEFT; LESTER AL WHITE; MARILY	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	29/06/1973	S		70.00
76LJ 140168 00	JULIE CLAY; RICHARD A GOSTNELL; FRANCIS W JORGENSEN; GEORGE JORGENSEN; ROY ANTHONY JOR	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	13/03/1950	S		65.72
76LJ 140168 00	CLIFFORD L BRENNEMAN	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	05/07/1962	S		25.00
76LJ 140276 00	FLATHEAD COUNTY COMMISSIONERS; FLATHEAD FFA INC	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	14/02/1950	S		98.00
76LJ 140277 00	FLATHEAD COUNTY COMMISSIONERS; FLATHEAD FFA INC	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	31/12/1951	S		25.00
76LJ 143854 00	TIMOTHY R BIRK	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	31/12/1950	S		130.00
76LJ 146933 00	FLATHEAD FFA INC; PATSY L MEDEARIS	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	11/02/1954	S		30.00
76LJ 146939 00	MARY D BOWD; WILLIAM G BOWD; GARY L CUTHBERTSON; JOANN S CUTHBERTSON; DENISE GUZOWSKI;	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	31/12/1922	S	0.83	0.50
76LJ 146947 00	MAYPORT HARBOR HOMEOWNERS ASSN	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	01/06/1968	S		24.75
76LJ 146987 00	HENRY OLDENBURG	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	01/05/1958	S		23.66
76LJ 147002 00	GREGORY M NELSON	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	13/05/1962	S		42.00
76LJ 147003 00	NANCY H MAXWELL; JULIE D MITCHELL; DOUGLAS J NELSON; GREGORY M NELSON; KATHLEEN G SAUVE	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	13/05/1935	S		24.00
76LJ 147204 00	DAN SIDERIUS	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	25/08/1946	S		160.00
76LJ 148754 00	MAUREEN A RUSH; RICHARD R RUSH	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	28/07/1964	S		3.50
76LJ 148892 00	DELORES I LEE; EUGENE P LEE	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	31/12/1957	S		62.50
76LJ 148902 00	MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	30/06/1964	S		70.00
76LJ 148982 00	ADRIAN ALMANZA; FRANK H ALMANZA	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	01/08/1962	S		5.00
76LJ 16289 00	SANDS, LIPP, SIDERIUS & EFF	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	12/04/1950	S		340.00
76LJ 164720 00	JTL GROUP INC	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	31/12/1930	S		15.00
76LJ 164787 00	AMY E GENKINS; RICHARD J HORWITZ	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM		S		40.00
76LJ 1671 00	CLIFFORD L BRENNEMAN	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	05/03/1974	S	160.00	80.00
76LJ 214925 00	LYNN A MACKIE	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	14/08/1972	S		29.00
76LJ 216008 00	TERRY L SIDERIUS; THOMAS P SIDERIUS	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	01/06/1972	S		46.65
76LJ 21951 00	MARGARET A TRIPLETT; WESTERN MAINTENANCE & REPAIR LLC	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	01/07/1971	S		10.00
76LJ 22270 00	MONTANA, STATE OF DEPT OF HEALTH & HUMAN SER	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	26/07/1951	S		90.00
76LJ 2373 00	STEPHEN A BUKOWSKI; VALENTIC FAMILY TRUST	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	24/05/1974	S	89.00	35.60
76LJ 2378 00	MERLE J BALDWIN	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	28/05/1974	S	330.00	132.00
76LJ 24572 00	SUSAN K HARPER; THOMAS M HARPER	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	27/08/1979	S	10.00	4.00
76LJ 26607 00	JAMES A HOLLENSTEINER	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	20/11/1936	S		235.00
76LJ 26730 00	C M CLARK; JANET CLARK	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	10/01/1980	S	225.00	90.00
76LJ 30008447	DEBORAH E HARDING; MARK D HARDING	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	13/06/2003	S	5.63	2.25
76LJ 30044583	JOHN R ENRIGHT	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	29/06/2009	S	28.60	13.90
76LJ 30048129	ALAN COIT; DEIRDRE COIT	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	31/12/1951	S	174.30	76.80
76LJ 30048727	KEVIN M JONES; MARY A JONES; DAVID J MCLEAN	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	24/05/1974	S	200.00	80.40
76LJ 30048731	GENE V TESTOLIN; KATHRYN A TESTOLIN	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	24/05/1974	S	105.00	42.00
76LJ 30065773	DAYTON R SEABAUGH	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	01/07/1971	S	14.90	7.00
76LJ 30065973	GENE V TESTOLIN; KATHRYN A TESTOLIN	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	24/05/1974	S	37.00	15.00
76LJ 30067603	MARSHALL, LEONARD E FAMILY TRUST	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	31/10/2013	S	279.40	
76LJ 30067603								
76LJ 3099 00	DAYTON R SEABAUGH	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	24/07/1974	S	75.00	28.00

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76LJ 311 00	DELANIE L ELIASON; JASON ELIASON; KYAN S ELIASON; TAYLIN J ELIASON; NATALIE A LENSER; JAMES D	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	30/04/1953	S	178.20	88.10	
76LJ 312 00	BRAD HUNNICUTT; SARA HUNNICUTT; AUDREY KLECKNER; GRANT KLECKNER; RICHARD D NELSON; TERE	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	31/05/1967	S	12.50	5.00	
76LJ 32099 00	KATHLEEN M BECK; ROGER L BECK	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	18/08/1980	S	25.00	10.00	
76LJ 330 00	GUST BARDY	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	29/05/1970	S		194.50	
76LJ 33505 00	DELORES I LEE; EUGENE P LEE	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	19/02/1981	S	40.00	20.00	
76LJ 341 00	WILLIAM T LINCOLN	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	30/04/1950	S		95.00	
76LJ 34333 00	CHRISTINE R BUCKNER; JOHN H BUCKNER	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	08/05/1972	S		4.00	
76LJ 35149 00	BETH MAGSTADT; RICK D MAGSTADT	FLATHEAD	IRRIGATION; OTHE	PROVISIONAL PERMIT	08/08/1981	S	4.02	2.00	
76LJ 35885 00	DANIEL C SMILEY	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	01/06/1973	S		45.31	
76LJ 35886 00	HOWARD SELL	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	25/08/1973	S		24.00	
76LJ 39554 00	MICHAEL B BLAIR; SUSAN R BLAIR	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	05/10/1981	S	5.00	2.50	
76LJ 396 00	MARY L WARNER	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	19/09/1973	S	8.80	3.50	
76LJ 39877 00	SLITERS INC	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	01/05/1960	S		51.00	
76LJ 41674 00	EAGLE BEND GOLF CLUB	FLATHEAD	IRRIGATION; WILD	PROVISIONAL PERMIT	16/12/1981	S	181.20	70.00	
76LJ 42592 00	JANELLE GENTRY; PAUL SMILEY; TERRI SMILEY	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	01/06/1973	S		60.00	
76LJ 43100 00	P DANIEL BROSTEN; P LARRY BROSTEN; PATRICK H BROSTEN; DIAMOND B GROUP LLC	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	02/12/1981	S	500.00	200.00	
76LJ 44799 00	JANELLE I PLUMMER; JEREMY J PLUMMER	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	02/03/1982	S	6.00	3.00	
76LJ 44800 00	MARCELLA D SANDRY; MARK B SANDRY	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	02/03/1982	S	20.00	10.00	
76LJ 46886 00	SCHERMAN-KENDALL FAMILY TRUST	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	14/11/1949	S		68.09	
76LJ 46876 00	CHARLES E TAYLOR; DIANE E TAYLOR	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	01/08/1973	S		38.00	
76LJ 4978 00	MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	06/03/1975	S	140.00	56.00	
76LJ 52 00	LAUREL A FULLERTON; STEVEN J HARVEY; DENNIS A PETERSON; VALERIE L PETERSON; DALE SONSTEL	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	31/12/1961	S		139.41	
76LJ 56363 00	IRVIN, CHARLES R IRREVOCABLE TRUST	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	21/08/1984	S	142.80	61.50	
76LJ 5648 00	PATSY L MEDEARIS	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	11/02/1954	S		30.00	
76LJ 5671 00	NORTHWEST FARM CREDIT SERVICES; CHARLES E SIDERIUS	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	11/06/1975	S	800.00	320.00	
76LJ 5680 00	GUST BARDY	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	11/08/1975	S	375.00	160.00	
76LJ 59338 00	JOHN L STEFANATZ	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	13/03/1985	S	11.90	5.00	
76LJ 656 00	NIKKEA USKOSKI; JAMES WILLIAMSON	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	01/05/1949	S		3.00	
76LJ 6809 00	BENJAMIN W LOUDEN; MAUREEN E LOUDEN	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	05/11/1975	S	217.00	135.00	
76LJ 73056 00	HANS E SACRISON; LEANA F SACRISON	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	13/11/1989	S	95.00	58.00	
76LJ 75007 00	VALERIE J EDWARDS; PATRICK J MCDONNELL; REBECCA MCDONNELL	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	22/05/1990	S	7.50	3.00	
76LJ 7537 00	HOLLENSTEINER, WANDA M TRUST; JOHN J KINSELLA; MARY T KINSELLA; TOREN MCCARTHEY; NORTHWI	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	20/02/1976	S	360.00	144.00	
76LJ 7625 00	DAYTON R SEABAUGH	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	02/03/1976	S	75.00	30.00	
76LJ 76499 00	DONALD V MCCLARTY	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	27/11/1990	S	240.00	80.00	
76LJ 84173 00	KURT B JOHNSON	FLATHEAD	IRRIGATION; WILD	PROVISIONAL PERMIT	31/08/1992	S	16.90	5.00	
76LJ 89185 00	KIRK G PASSMORE; PASSMORE, RUTH N REVOCABLE TRUST; PETERS FAMILY TRUST	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	28/02/1994	S	302.50	121.00	
76LJ 9117 00	CHARLES E SIDERIUS	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	05/08/1976	S	82.50	33.00	
76LJ 9125 00	CLIFFORD E HAINES; JOHN A PAOLA	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	01/04/1970	S		35.00	
76LJ 9133 00	EDSEL J AUCOIN; KURT B JOHNSON; THOMAS PETERSEN	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	24/03/1970	S		52.00	
76LJ 9224 00	LEW F WEAVER; WEAVER ENTITIES INC	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	20/12/1963	S		127.10	
76LJ 9232 00	BRUCE H LOUDEN; HAROLD B LOUDEN	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	12/06/1973	S		200.00	
76LJ 9393 00	KIRK G PASSMORE; PASSMORE, RUTH N REVOCABLE TRUST	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	10/07/1950	S		270.00	
76LJ 9459 00	DOROTHY M DANFORD	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	28/02/1947	S		123.00	
76LJ 97115 00	JAMES D PRICE	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	19/12/1995	S	40.00	16.60	
							96	6284.49	6714.38
76LJ 100382 00	CHANDLER, ALDEN B & TONIE B REVOCABLE LIVING TRUST	LAKE	IRRIGATION	STATEMENT OF CLAIM	31/12/1951	S		8.38	
76LJ 100418 00	CHERYL S COLLINS; JOSEPH W COLLINS	LAKE	IRRIGATION	STATEMENT OF CLAIM	15/08/1962	S		10.00	
76LJ 100467 00	MONTANA PROPERTIES LLC	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/06/1948	S		6.00	
76LJ 101247 00	BLAKELY D BROWN; SARAH B MCHUGH	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	11/06/1997	S	2.28	0.91	
76LJ 103227 00	THOMAS C MERCER	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	31/12/1945	S		5.00	
76LJ 103300 00	D C & L JENSEN FAMILY LIMITED PARTNERSHIP; D C & S JENSEN FAMILY LIMITED PARTNERSHIP; FRANZE LAKE	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/05/1957	S		8.00	

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76LJ 1083 00	BARBARA A FOSTER; DENNIS W FOSTER	FLATHEAD	DOMESTIC; IRRIG	PROVISIONAL PERMIT	30/11/1973	S	2.50	1.00
76LJ 108901 00	LEE, ROBERT M TRUST	LAKE	IRRIGATION; LAWI	PROVISIONAL PERMIT	05/04/1999	S	399.64	194.00
76LJ 109515 00	ALFRED V SWANBERG; DELORES M SWANBERG	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	15/06/1967	S		6.70
76LJ 109516 00	ALFRED V SWANBERG; DELORES M SWANBERG	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	15/06/1966	S		12.00
76LJ 109548 00	KATHLEEN D LINNEY; THOMAS NB MOSS	LAKE	IRRIGATION	STATEMENT OF CLAIM	15/04/1944	S		12.00
76LJ 110500 00	KONITZ, JACK H LIVING TRUST; KONITZ, STEPHANIE LIVING TRUST	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/04/1960	S		6.08
76LJ 11066 00	ALBERT FAMILY PARTNERSHIP	LAKE	IRRIGATION; STOK	PROVISIONAL PERMIT	13/01/1977	S	12.20	5.00
76LJ 114586 00	ROBBIN LIVING TRUST	LAKE	IRRIGATION	STATEMENT OF CLAIM	31/12/1930	S		5.50
76LJ 115919 00	KATHLEEN D LINNEY; THOMAS NB MOSS	LAKE	IRRIGATION	PROVISIONAL PERMIT	20/07/2001	S	10.00	4.00
76LJ 11620 00	FRANK A BRICKOWSKI; ANDREW E MC CARTHY; LORI H MC CARTHY	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/04/1970	S		6.00
76LJ 118141 00	CARROLL G LORANG; SHARON R LORANG	LAKE	IRRIGATION	STATEMENT OF CLAIM	15/04/1955	S		8.11
76LJ 123087 00	JEANETTE S MCKEE; MICHAEL E MCKEE	LAKE	IRRIGATION	STATEMENT OF CLAIM	17/12/1951	S		3.42
76LJ 12429 00	DOUGLAS C PAYNE; MARY ANN PAYNE	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/07/1969	S		3.79
76LJ 12455 00	MIMI LONDON	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/08/1968	S		4.00
76LJ 128925 00	POLATCHEK, ROY D AND YVONNE A TRUST	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	01/04/1971	S		4.00
76LJ 128927 00	MISSION MOUNTAIN MONTANA LIMITED PARTNERSHIP; NZGH 2000 LTD	LAKE	IRRIGATION	STATEMENT OF CLAIM	03/05/1940	S		4.00
76LJ 129005 00	BETTY JANE FRISKE; DONALD G FRISKE; GERALD PRAETZEL; LINDA PRAETZEL; DAVID THOMPSON; LYNEI	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/06/1968	S		48.00
76LJ 131015 00	EKBLAD, PHYLLIS O TRUST; EKBLAD, ROBERT B TRUST	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/07/1968	S		1.15
76LJ 131469 00	BETTY L BJORK; MARSHALL L BJORK	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/05/1954	S		4.30
76LJ 131479 00	MARGARET A OLSON; WILLIAM E OLSON	LAKE	IRRIGATION	STATEMENT OF CLAIM	31/12/1971	S		0.53
76LJ 134832 00	ELIZABETH M COFFMAN; LARRY COFFMAN; DAVID FETVEIT; MICHELLE FETVEIT; REX A NILES; SHIRLEY R	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	01/05/1972	S		10.00
76LJ 135007 00	LOEWENBAUM RESIDENCE TRUST; LOEWENBAUM, ELIZABETH SCOTT TRUST	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/01/1969	S		6.00
76LJ 140285 00	CALAMOS, NICK P REVOCABLE TRUST	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	11/01/1964	S		3.60
76LJ 1403 00	CLOSS, WILLIAM R & KATHERINE M TRUST; HATFIELD, ELIZABETH C TRUST; HOVIS, LINDA C TRUST	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	31/12/1960	S		11.00
76LJ 141903 00	CABALLERO, CATHLEEN TRUST OF 1999	LAKE	IRRIGATION	STATEMENT OF CLAIM	26/08/1967	S		50.00
76LJ 142041 00	MIKE MEDLAND	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/05/1988	S		
76LJ 14267 00	BRYAN K ZIMMERMAN	LAKE	IRRIGATION	STATEMENT OF CLAIM	09/06/1973	S		10.00
76LJ 143767 00	CLOSS, BILL. & VIRGINIA R TRUST; CLOSS, WILLIAM R & KATHERINE M TRUST; HATFIELD, ELIZABETH C TR	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	01/05/1950	S		7.00
76LJ 143783 00	BISHOP, CHARLES A MARITAL TRUST; BISHOP, MARCELLA M REVOCABLE TRUST	LAKE	IRRIGATION	STATEMENT OF CLAIM	15/06/1943	S		5.00
76LJ 143800 00	RICHARD D ESTABROOK; TAMMY L HICKLIN-ESTABROOK	LAKE	IRRIGATION	STATEMENT OF CLAIM	31/03/1972	S		3.00
76LJ 143848 00	HOLLANDER FAMILY INVESTMENT PARTNERSHIP LP	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/06/1958	S		2.50
76LJ 143858 00	JOHN TOREN; MARGARET A TOREN	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	31/12/1961	S		0.75
76LJ 143912 00	RUTH E WHITE	LAKE	IRRIGATION	STATEMENT OF CLAIM	10/12/1937	S		1.50
76LJ 147119 00	DON R CLARK; MARY R CLARK	LAKE	IRRIGATION	STATEMENT OF CLAIM	07/05/1922	S		27.70
76LJ 147178 00	EARL E COOLEY; MARABETH A FITE; SHARON L HACKMAN; HALVORSON, MARCY L TRUST; BARBARA C RA	LAKE	IRRIGATION	STATEMENT OF CLAIM	26/10/1929	S		8.00
76LJ 147179 00	EARL E COOLEY; MARABETH A FITE; SHARON L HACKMAN; HALVORSON, MARCY L TRUST; BARBARA C RA	LAKE	IRRIGATION	STATEMENT OF CLAIM	26/10/1929	S		8.00
76LJ 147180 00	DALE H MANCHESTER; SUSAN M MANCHESTER	LAKE	IRRIGATION	STATEMENT OF CLAIM	26/10/1929	S		4.00
76LJ 148823 00	BLATTNER FAMILY REVOCABLE LIVING TRUST	LAKE	IRRIGATION	STATEMENT OF CLAIM	10/12/1937	S		1.50
76LJ 148886 00	DALE M EVENSON; TRUDY C EVENSON; DON HYLAND; SANDRA HYLAND	LAKE	IRRIGATION	STATEMENT OF CLAIM	31/12/1950	S		1.50
76LJ 148918 00	WENDY P PETERSON	LAKE	IRRIGATION	STATEMENT OF CLAIM	02/08/1960	S		4.00
76LJ 148946 00	BLATTNER FAMILY REVOCABLE LIVING TRUST; LESH FAMILY TRUST; RUTH E WHITE	LAKE	IRRIGATION	STATEMENT OF CLAIM	10/12/1937	S		6.10
76LJ 148963 00	BEST FLATHEAD CHERRIES INC	LAKE	IRRIGATION	STATEMENT OF CLAIM	28/06/1973	S		5.70
76LJ 150433 00	RICHARD L JOHNSON	LAKE	IRRIGATION	STATEMENT OF CLAIM	31/12/1952	S		3.50
76LJ 150481 00	D J BOUGHTON; ERIC BOUGHTON	LAKE	IRRIGATION	STATEMENT OF CLAIM	30/06/1941	S		1.00
76LJ 150679 00	MICHELL J THOMAS TRUST	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/06/1955	S		5.00
76LJ 150696 00	ONEIL FAMILY PARTNERSHIP	LAKE	IRRIGATION	STATEMENT OF CLAIM	30/08/1962	S		0.89
76LJ 15159 00	LUCINDA R FRUSHOUR; ROBERT H FRUSHOUR; BETTY B SYMONDS; JOHN W SYMONDS	LAKE	IRRIGATION	STATEMENT OF CLAIM	28/06/1961	S		5.00
76LJ 15160 00	LUCINDA R FRUSHOUR; ROBERT H FRUSHOUR; BETTY B SYMONDS; JOHN W SYMONDS	LAKE	IRRIGATION	STATEMENT OF CLAIM	30/06/1961	S		10.00
76LJ 15161 00	JOHN GYSLER; MARGUERITE GYSLER	LAKE	IRRIGATION	STATEMENT OF CLAIM	30/06/1961	S		10.00
76LJ 15182 00	CLARENCE J BRAZIL	LAKE	IRRIGATION	STATEMENT OF CLAIM	31/12/1937	S		5.00
76LJ 15190 00	KRISTINE M RAMBERG; STEVEN R RAMBERG	LAKE	IRRIGATION	STATEMENT OF CLAIM	31/12/1956	S		9.75
76LJ 158089 00	CHERRY PINES ON FLATHEAD LAKE LLC	LAKE	IRRIGATION	STATEMENT OF CLAIM	31/12/1950	S		16.50
76LJ 15935 00	NORMA R MERRITT; ROY D MERRITT; MERRITT, NORMA R & ROY D TRUST	LAKE	IRRIGATION	PROVISIONAL PERMIT	16/01/1978	S	7.50	3.00

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76LJ 164723 00	HOMER A STAVES	LAKE	IRRIGATION	STATEMENT OF CLAIM	31/12/1950	S		12.00
76LJ 164724 00	HOMER A STAVES	LAKE	IRRIGATION	STATEMENT OF CLAIM	31/12/1945	S		6.05
76LJ 166807 00	VOYAGER GROUP LTD	LAKE	IRRIGATION	STATEMENT OF CLAIM	15/05/1954	S		3.00
76LJ 166847 00	DEE, KAREN M GARDNER TRUST; NASH, RICHARD P III TRUST; KELLY G WATSON	LAKE	IRRIGATION	STATEMENT OF CLAIM	30/06/1968	S		8.00
76LJ 166871 00	CHERRY HILL YACHT CLUB INC	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	01/06/1917	S		23.00
76LJ 18774 00	PHILIP W BOERSCHINGER	LAKE	IRRIGATION	STATEMENT OF CLAIM	30/06/1960	S		8.00
76LJ 1962 00	WILLIAM A ROSSBACH; ROUSSELLE FAMILY LIMITED PARTNERSHIP; VOGT FAMILY LIMITED PARTNERSHIP	LAKE	IRRIGATION	STATEMENT OF CLAIM	15/07/1959	S		18.00
76LJ 20348 00	AG-MELITA LP	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/07/1971	S		5.00
76LJ 20349 00	AG-MELITA LP	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/07/1954	S		14.00
76LJ 2055 00	BRYAN K ZIMMERMAN	LAKE	IRRIGATION	STATEMENT OF CLAIM	31/12/1962	S		2.00
76LJ 210864 00	DENIS A HART	LAKE	IRRIGATION	STATEMENT OF CLAIM	15/06/1930	S		20.00
76LJ 216042 00	HECTOR R SPECKERT	LAKE	IRRIGATION	STATEMENT OF CLAIM	31/12/1962	S		238.00
76LJ 216060 00	JIMMY W MADDOX; MARTHA J MADDOX	LAKE	IRRIGATION	STATEMENT OF CLAIM	30/04/1970	S		10.30
76LJ 21841 00	MARSHA A RUBINO; VINCENT E RUBINO	LAKE	IRRIGATION	STATEMENT OF CLAIM	15/05/1960	S		2.00
76LJ 21950 00	EILEEN NEILL; KENNETH P PITT	LAKE	IRRIGATION	STATEMENT OF CLAIM	30/04/1963	S		2.00
76LJ 23084 00	BAXTER DEVELOPMENT LLC	LAKE	IRRIGATION	STATEMENT OF CLAIM	31/12/1954	S		2.00
76LJ 2327 00	S & F CO A WASHINGTON GEN PARTNERSHIP; J FREDERICK SIMPSON; SALLY A SIMPSON	LAKE	IRRIGATION	STATEMENT OF CLAIM	31/12/1948	S		0.75
76LJ 24107 00	COWAN, JOHN & ELAINE TRUST; JESSE KIRK; MILO KIRK	LAKE	IRRIGATION	STATEMENT OF CLAIM	15/06/1922	S		3.50
76LJ 24398 00	ERIK KE LUND; LAVERE G LUND	LAKE	IRRIGATION	PROVISIONAL PERMIT	16/08/1979	S	2.00	1.00
76LJ 24824 00	PHYLLIS O EKBLAD; ROBERT B EKBLAD	LAKE	IRRIGATION	STATEMENT OF CLAIM	15/03/1957	S		1.60
76LJ 24856 00	WARD E MARSHALL	LAKE	IRRIGATION	PROVISIONAL PERMIT	19/09/1979	S	15.00	6.23
76LJ 25259 00	FORSSEN, RUTH K TRUST; FORSSEN, RUTH K TRUST	LAKE	DOMESTIC; IRRIG	PROVISIONAL PERMIT	16/11/1979	S	2.50	0.80
76LJ 25356 00	AVERILL FAMILY TRUST; QUARTER CIRCLE L A RANCHES INC	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	01/05/1959	S		25.00
76LJ 25676 00	BECKY S BASSANI; DARRYL C BASSANI	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/04/1959	S		1.20
76LJ 26554 00	GERALD H SIEMENS	LAKE	IRRIGATION	STATEMENT OF CLAIM	31/08/1945	S		2.00
76LJ 26567 00	LUCILLE M BREWER; RONALD J BREWER	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/06/1940	S		30.00
76LJ 26586 00	JILL DAVENPORT; JAMES H GOETZ	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	10/06/1964	S		0.75
76LJ 26808 00	JANET C DUBOIS; LOUISE MONTALOVA; ELIZABETH POCHAK; PAUL J POCHAK; GEORGE L REED; PATRICIA	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	28/11/1979	S	100.00	40.00
76LJ 27135 00	MUNSON, RONALD B FARMS INC	LAKE	IRRIGATION	PROVISIONAL PERMIT	31/03/1980	S	1.00	0.50
76LJ 2714 00	PAULINE F HARTMAN; RICHARD F HARTMAN	LAKE	IRRIGATION	STATEMENT OF CLAIM	15/04/1955	S		3.00
76LJ 27485 00	KOSVIC, LINDA L TRUST	LAKE	IRRIGATION	PROVISIONAL PERMIT	21/04/1980	S	4.50	2.79
76LJ 27522 00	ANITA HANSEN; BARRY HANSEN	LAKE	IRRIGATION	STATEMENT OF CLAIM	03/07/1965	S		3.00
76LJ 27715 00	WILLIAM J HANKINS; VIRGINIA HANKINS-MADDOX	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/04/1961	S		4.71
76LJ 27781 00	CURTIS N JACOBSON; LANNI S JACOBSON	LAKE	IRRIGATION	STATEMENT OF CLAIM	19/10/1954	S		3.00
76LJ 28469 00	DARRELL K MERRILL; JOYCE H MERRILL	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	31/03/1980	S	1.00	0.50
76LJ 28482 00	JAMES BERT PANNELL; NANCY M PANNELL	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	18/01/1980	S	0.50	0.20
76LJ 28483 00	JOHN A MACKAY	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	08/04/1980	S	1.00	0.50
76LJ 28485 00	BETTY R MATHEWS; EVAN K MATHEWS	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	27/11/1979	S	1.25	0.50
76LJ 29524 00	KLEINHANS FARM ESTATES LLC	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	11/08/1953	S		18.00
76LJ 29857 00	KLINGLER-MUHLESTEIN TRUST	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	30/06/1980	S	4.00	2.00
76LJ 30003137	EMILY R TICE; JAMES TICE	LAKE	DOMESTIC; IRRIG	PROVISIONAL PERMIT	14/08/2002	S	3.00	2.00
76LJ 30005068	J D COVINGTON	LAKE	DOMESTIC; LAWN	PROVISIONAL PERMIT	21/01/2003	S	20.50	7.80
76LJ 30008003	JAMES D CHAMBERS	LAKE	IRRIGATION	PROVISIONAL PERMIT	24/09/2003	S	11.18	4.30
76LJ 30009252	ULLMAN FAMILY TRUST	LAKE	MULTIPLE DOMES	PROVISIONAL PERMIT	29/12/2003	S	21.85	7.00
76LJ 30009500	LINDA SPRADLIN	LAKE	IRRIGATION; STOC	PROVISIONAL PERMIT	02/02/2004	S	5.23	2.36
76LJ 30009551	GERALD D BOWMAN; JULIA A BOWMAN; MARILYN J BOWMAN; DENISE M BOWMAN-WERMER; CHAD A WER	LAKE	IRRIGATION	PROVISIONAL PERMIT	06/02/2004	S	28.52	15.50
76LJ 30010670	ROBERT S HOWARD; PALMER, ANDREA E TRUST	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	21/05/2004	S	5.25	2.10
76LJ 30012009	J D COVINGTON	LAKE	DOMESTIC; LAWN	PROVISIONAL PERMIT	26/08/2004	S		7.80
76LJ 30013464	ALLEN W RODGERS	LAKE	IRRIGATION	PROVISIONAL PERMIT	17/12/2004	S	4.43	1.77
76LJ 30013492	COCHRANE, GARENE W IRREVOCABLE TRUST	LAKE	IRRIGATION	PROVISIONAL PERMIT	20/12/2004	S	4.65	1.86
76LJ 30046775	FLATHEAD COUNTY	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	01/09/2009	S	2.19	
76LJ 30050132	PINNACLE PROPERTIES OF ROLLINS LLC	LAKE	DOMESTIC; LAWN	PROVISIONAL PERMIT	18/08/2011	S	6.54	2.25
76LJ 30050840	BONNER, GARY B & PATRICIA J TRUST	LAKE	MULTIPLE DOMES	PROVISIONAL PERMIT	21/04/2011	S	5.17	3.05

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76LJ 30083025	BEAR ORCHARD LIMITED PARTNERSHIP	LAKE	IRRIGATION	PROVISIONAL PERMIT	04/10/2012	S	11.34	6.00
76LJ 30182 00	PATRICIA D WHITE; STEWART A WHITE	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	24/07/1980	S	1.50	1.00
76LJ 30760 00	JOANN M HUGHES; RICHARD B HUGHES	LAKE	IRRIGATION	PROVISIONAL PERMIT	16/09/1980	S	1.10	0.44
76LJ 30797 00	AG-AMERICA FCB; ALAN GLUECKERT; SUSAN GLUECKERT	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/05/1964	S		14.00
76LJ 31196 00	WINKLE, ROGER A AND LINDA F TRUST	LAKE	IRRIGATION	PROVISIONAL PERMIT	15/05/1980	S	4.00	2.00
76LJ 32105 00	CHRISTINE A SANDRY; PAUL A SANDRY	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	12/09/1980	S	1.50	0.50
76LJ 32106 00	STARK TODNEM TRUST	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	12/09/1980	S	0.62	0.25
76LJ 32108 00	ALAN W JOHNSON; TAMARA L JOHNSON	LAKE	IRRIGATION	PROVISIONAL PERMIT	06/02/1981	S	1.00	0.80
76LJ 32256 00	JOHN E HAINES	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	24/09/1980	S	0.83	0.33
76LJ 32483 00	MOUNTAIN VIEW TERRACE HOMEOWNERS ASSN	LAKE	IRRIGATION	PROVISIONAL PERMIT	07/11/1980	S	15.00	7.27
76LJ 33286 00	LECK, KENNETH E OR RENA JEAN TRUST	LAKE	IRRIGATION	PROVISIONAL PERMIT	28/04/1981	S	2.50	2.50
76LJ 3353 00	M DAVID MADSEN; MADSEN ORCHARDS INC; YEAGER FAMILY TRUST	LAKE	IRRIGATION	STATEMENT OF CLAIM	31/12/1935	S		11.00
76LJ 34180 00	CASSETTA TRUST	FLATHEAD	DOMESTIC; IRRIG	PROVISIONAL PERMIT	15/05/1981	S	11.50	5.00
76LJ 34318 00	JILL DAVENPORT; JAMES H GOETZ	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	31/12/1964	S		2.81
76LJ 35657 00	JAMES T ROTHE; JEAN C ROTHE	LAKE	IRRIGATION	STATEMENT OF CLAIM	31/05/1952	S		6.00
76LJ 35747 00	UNITED METHODIST CAMP	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/06/1933	S		27.00
76LJ 35812 00	DENISE R ZIMMER; ROY W ZIMMER	LAKE	IRRIGATION	PROVISIONAL PERMIT	09/07/1981	S	1.00	0.40
76LJ 36270 00	KIMBERLY R CHAMBERS; LEON E CHAMBERS	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/05/1935	S		12.80
76LJ 39517 00	DENNIS M CAMPBELL; SUSAN M CAMPBELL	LAKE	IRRIGATION	PROVISIONAL PERMIT	04/12/1981	S	1.00	0.50
76LJ 39553 00	BIGFORK SHORES LANDOWNERS ASSOC	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	01/10/1981	S	4.75	1.90
76LJ 39579 00	BARBARA N TWETO; DONALD J TWETO	LAKE	IRRIGATION	STATEMENT OF CLAIM	10/03/1954	S		0.75
76LJ 39594 00	JAMES P DUPUIS; LOIS M DUPUIS	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/06/1970	S		12.80
76LJ 39598 00	KVANDE MAVA JEAN REVOCABLE LIVING TRUST	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/02/1960	S		2.14
76LJ 39700 00	MICHELLE R HARRISON; SAMUEL R HARRISON; PETER J NAZELROD; RENE D NAZELROD; ADINA ROE; BRA	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/06/1971	S		6.00
76LJ 39857 00	JEHLIK, THOMAS H TRUST	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/05/1970	S		6.52
76LJ 39864 00	ARLENE B TOMPKINS	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/04/1964	S		1.00
76LJ 40924 00	DELBERT D SCHMELEBECK; IOLA E SCHMELEBECK	LAKE	IRRIGATION	PROVISIONAL PERMIT	27/01/1982	S	0.60	0.96
76LJ 42387 00	CONSTANCE C RUNNING; STEVEN W RUNNING	LAKE	IRRIGATION	PROVISIONAL PERMIT	14/12/1981	S	1.00	0.70
76LJ 42400 00	BETTY L FJELD; GEORGE O FJELD	LAKE	IRRIGATION	PROVISIONAL PERMIT	17/12/1981	S	3.00	1.90
76LJ 42415 00	HOPKINS REVOCABLE TRUST	LAKE	IRRIGATION	PROVISIONAL PERMIT	11/12/1981	S	10.00	4.00
76LJ 42550 00	SARAJANE S CORETTE	LAKE	IRRIGATION	STATEMENT OF CLAIM	22/11/1916	S		13.00
76LJ 42570 00	SIGURD JENSEN; JENSENS INC	LAKE	IRRIGATION	STATEMENT OF CLAIM	20/03/1940	S		3.00
76LJ 42591 00	ANNE M CARR; BRYAN CARR; FIRST CITIZEN BANK OF POLSON; LAKE COUNTY BANK	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/05/1968	S		15.54
76LJ 42806 00	BUSH, WILLIAM H QTIP TRUST	LAKE	IRRIGATION	STATEMENT OF CLAIM	15/05/1962	S		7.70
76LJ 43045 00	ROBERT B ALLISON; STUART A ALLISON; ROSE M BENNAHMIA	FLATHEAD	DOMESTIC; IRRIG	PROVISIONAL PERMIT	16/11/1981	S	26.54	10.00
76LJ 43065 00	BRUCE P TOOLE IV	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	25/11/1981	S	7.60	3.00
76LJ 43073 00	ARLENE B TOMPKINS	LAKE	IRRIGATION; RECF	PROVISIONAL PERMIT	22/10/1981	S	13.50	1.00
76LJ 45113 00	J GARY LOUQUET; JENNIFER LOUQUET	LAKE	IRRIGATION	STATEMENT OF CLAIM	15/05/1947	S		1.16
76LJ 45114 00	BECKY HARRINGTON; CHARLES L HARRINGTON; CLEMENT SPICHER; FRED A SPICHER	LAKE	IRRIGATION	STATEMENT OF CLAIM	15/05/1947	S		2.84
76LJ 45172 00	MARCIA L LITCHFIELD; ROBERT E LITCHFIELD; BRIAN H WILSON; KAREN J WILSON	LAKE	IRRIGATION	STATEMENT OF CLAIM	31/12/1935	S		2.00
76LJ 45176 00	J LEONARD DERBY; MARY D DERBY	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	25/08/1975	S		1.00
76LJ 46271 00	MISSION MOUNTAIN MONTANA LIMITED PARTNERSHIP	LAKE	IRRIGATION	STATEMENT OF CLAIM	07/07/1937	S		7.00
76LJ 46273 00	MCDONOUGH FAMILY TRUST; DONNIE J SLATEN	LAKE	IRRIGATION	STATEMENT OF CLAIM	31/12/1938	S		6.00
76LJ 48328 00	KLEINHANS FARM ESTATES LLC	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	12/04/1982	S	140.00	70.00
76LJ 48333 00	DEAN M BLACKFORD; HEIDI S BLACKFORD; JOANNE D BLACKFORD	LAKE	DOMESTIC; IRRIG	PROVISIONAL PERMIT	25/01/1982	S	5.58	2.00
76LJ 4851 00	DAVID L KURFESS; LINDA KELLEY KURFESS	FLATHEAD	COMMERCIAL; IRR	PROVISIONAL PERMIT	18/02/1975	S	497.00	195.00
76LJ 50509 00	EDWARD J GUY; SALLIE K GUY	LAKE	DOMESTIC; IRRIG	PROVISIONAL PERMIT	29/04/1982	S	17.50	8.00
76LJ 5277 00	PONDEROSA BOAT CLUB OWNERS ASSOCIATION INC	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	01/05/1956	S		18.00
76LJ 58 00	GROENKE, THEODORE A TRUST	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	10/06/1959	S		9.00
76LJ 5802 00	CARRIE R BEVANS; LUCAS A BEVANS; ERIC K HOUSE; HALLIE R HOUSE; RYAN E HOUSE; SARAH E HOUSE	LAKE	IRRIGATION	STATEMENT OF CLAIM	10/07/1939	S		4.80
76LJ 5819 00	THOMAS J CAMPBELL	LAKE	IRRIGATION	STATEMENT OF CLAIM	31/12/1963	S		35.00
76LJ 6100 00	MARYLIN J NELSON	LAKE	IRRIGATION	STATEMENT OF CLAIM	30/04/1941	S		1.66
76LJ 6119 00	SCHOKNECHT ORCHARDS	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/06/1933	S		10.00

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76LJ 62050 00	POLSON, CITY OF	LAKE	IRRIGATION	PROVISIONAL PERMIT	10/03/1986	S	4.42	4.00
76LJ 6269 00	THOMAS C MERCER	FLATHEAD	DOMESTIC; IRRIG	PROVISIONAL PERMIT	21/08/1975	S	10.00	8.00
76LJ 6335 00	PHILLIP G POORE	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/04/1957	S		1.19
76LJ 64277 00	MONTANA, STATE OF BOARD OF LAND COMMISSIONERS	LAKE	IRRIGATION	PROVISIONAL PERMIT	22/10/1986	S	20.00	8.00
76LJ 663 00	ALICE BLASDEL	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	19/09/1966	S		3.80
76LJ 6772 00	KLEINHANS FARM ESTATES LLC	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	30/10/1975	S	350.00	140.00
76LJ 70074 00	ENGLERT, LORRAINE TRUST	LAKE	IRRIGATION	PROVISIONAL PERMIT	07/11/1988	S	1.00	0.50
76LJ 72114 00	KLINGLER-MUHLESTEIN TRUST	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	17/07/1989	S	1.00	2.50
76LJ 730 00	GISH VENTURES LLC	LAKE	IRRIGATION	STATEMENT OF CLAIM	15/04/1970	S		1.30
76LJ 73001 00	LAKESIDE COUNTY WATER AND SEWER DISTRICT	FLATHEAD	OTHER PURPOSE;	PROVISIONAL PERMIT	06/10/1989	S	21.21	8.00
76LJ 7717 00	CARLTON D GRIMM	LAKE	IRRIGATION	STATEMENT OF CLAIM	19/04/1960	S		8.00
76LJ 78124 00	LAKESHORE DRIVE PROPERTIES LLC	LAKE	IRRIGATION	PROVISIONAL PERMIT	30/05/1991	S	4.06	2.00
76LJ 82548 00	LEONARD W EIK; SUSAN B EIK; HOPKINS REVOCABLE TRUST; MALONE, ROBERT E & EDITH W TRUST; ALL	LAKE	IRRIGATION; MULT	PROVISIONAL PERMIT	14/08/1992	S	24.50	9.00
76LJ 8317 00	ED MITCH	LAKE	IRRIGATION	STATEMENT OF CLAIM	28/10/1929	S		17.00
76LJ 90234 00	EVELYN H TUSLER; HAROLD TUSLER	LAKE	DOMESTIC; IRRIG	PROVISIONAL PERMIT	08/07/1994	S	9.75	3.50
76LJ 91163 00	RIDGEWOOD ESTATES PROPERTY OWNERS INC	LAKE	IRRIGATION; MULT	PROVISIONAL PERMIT	28/09/1994	S	156.40	15.60
76LJ 92332 00	WOODS BAY PROPERTIES LTD	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	03/11/1994	S	1.88	0.75
76LJ 92359 00	POINT SERVICE CORP	LAKE	IRRIGATION	PROVISIONAL PERMIT	15/11/1994	S	10.00	6.00
76LJ 94497 00	HOLLANDER FAMILY INVESTMENT PARTNERSHIP LP; MATHISON FAMILY TRUST	LAKE	IRRIGATION	PROVISIONAL PERMIT	30/05/1995	S	22.49	12.54
76LJ 9519 00	DEBORAH L CARSTENSEN; ANDREW B CARTENSEN; SKIDOO LLC	LAKE	IRRIGATION	PROVISIONAL PERMIT	30/08/1976	S	4.50	5.00
76LJ 9684 00	SHARON R TREWEEK; WAYNE J TREWEEK	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/05/1972	S		2.50
76LJ 97165 00	GALLAGHER, GARY J TRUST	LAKE	IRRIGATION	PROVISIONAL PERMIT	06/02/1996	S	0.02	12.00
76LJ 98871 00	LINGEL, ANNA M LIVING TRUST	LAKE	IRRIGATION	STATEMENT OF CLAIM	12/04/1954	S		2.00
76LJ 99069 00	HERBERT M CARSON; MINERVA T CARSON	LAKE	IRRIGATION	STATEMENT OF CLAIM	02/06/1933	S		14.00
76LJ 99107 00	LEE ENTERPRISES INC	LAKE	IRRIGATION	STATEMENT OF CLAIM	31/12/1948	S		5.74
						190	2107.09	2056.73
76LJ 67848 00	POLSON, CITY OF	LAKE	IRRIGATION	PROVISIONAL PERMIT	13/06/1988	G	156.40	68.00
76LJ 6486 00	WARREN G BURY; YVONNE BURY	LAKE	IRRIGATION	PROVISIONAL PERMIT	19/09/1975	G	16.00	6.38
76LJ 62068 00	SARAH A THOMPSON; VICTOR H THOMPSON	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	26/03/1986	G	142.80	60.00
76LJ 57565 00	ASSEMBLIES OF GOD MONTANA DISTRICT COUNCIL	FLATHEAD	IRRIGATION; MULT	PROVISIONAL PERMIT	13/09/1984	G	142.00	10.00
76LJ 5629 00	CROMWELL, CAMILLE A TRUST	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/06/1970	G		12.00
76LJ 529 00	TIMOTHY P LYNN	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	31/12/1940	G		27.00
76LJ 47794 00	RANDY D MORKEN; ROBERTA A MORKEN; STACEE A MORKEN; DAVID C STRASDIN; PAUL L STRASDIN	FLATHEAD	IRRIGATION; STOC	PROVISIONAL PERMIT	07/04/1982	G	40.20	20.00
76LJ 46906 00	MARUICE R TANNER; WENDI LIN TANNER	LAKE	IRRIGATION	STATEMENT OF CLAIM	03/07/1935	G		8.50
76LJ 34291 00	DOLORES A CHAPMAN; JAMES R CHAPMAN	LAKE	IRRIGATION	STATEMENT OF CLAIM	26/07/1916	G		40.00
76LJ 33737 00	EMIL E STRUCK	FLATHEAD	COMMERCIAL; IRR	PROVISIONAL PERMIT	02/03/1981	G	80.00	32.00
76LJ 33500 00	JAMES E SULLIVAN; KATHLEEN SULLIVAN	FLATHEAD	IRRIGATION; STOC	PROVISIONAL PERMIT	02/02/1981	G	40.03	20.00
76LJ 30825 00	EMORY S GOLANT; ROBERT M GOLANT; GOLANT, HEDWIG K DECLARATION OF TRUST	LAKE	IRRIGATION	STATEMENT OF CLAIM	05/02/1962	G		60.00
76LJ 29851 00	LAURIE G BALDWIN	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	07/03/1980	G	857.50	343.00
76LJ 27724 00	JOHNNY D REPNAK	LAKE	IRRIGATION	STATEMENT OF CLAIM	03/07/1935	G		21.00
76LJ 26715 01	DANIEL J COVERDELL; LUBOV M COVERDELL; CHRISTOPHER A PARSON; STEPHANIE E PARSON; MARY L	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	06/11/1979	G	90.00	45.00
76LJ 26715 00	ELLEN MAE KNOPFLE	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	06/11/1979	G	150.00	75.00
76LJ 23601 00	MICHAEL C DAILEY; SUSAN C DAILEY	FLATHEAD	IRRIGATION; STOC	PROVISIONAL PERMIT	05/07/1979	G	50.10	20.00
76LJ 17264 00	RICHARD L JUKICH	FLATHEAD	INDUSTRIAL; IRRIG	62-73 GROUND WATER RECO	12/11/1973	G		
76LJ 17555 00	CHARLES LAPP; KATHRYN M LAPP; MICKEY LAPP	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	25/10/1977	G	72.50	65.00
76LJ 150689 00	PAMELA J DETAMORE; BARRETT A KUBAS	LAKE	IRRIGATION	STATEMENT OF CLAIM	09/08/1915	G		7.00
76LJ 148865 00	DELLA A MCCLELLAND	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	10/06/1948	G		142.00
76LJ 148776 00	BIGELOW MONTANA CO	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	11/09/1972	G		52.00
76LJ 147208 00	BRIAN S CAMPBELL; TRICIA L CAMPBELL; CAMPBELL ORCHARDS; LISE A ROUSSEAU; ALBERT SILVA	LAKE	IRRIGATION	STATEMENT OF CLAIM	02/07/1971	G		17.00
76LJ 146994 00	ELLEN JOHNSON; FRANK JOHNSON; SHAW, WILLIAM & CYNTHIA FAMILY TRUST	FLATHEAD	IRRIGATION	STATEMENT OF CLAIM	31/03/1964	G		95.00
76LJ 128987 00	LISE A ROUSSEAU; ALBERT SILVA	LAKE	IRRIGATION	STATEMENT OF CLAIM	19/06/1923	G		12.00
76LJ 12138 00	KIMBALL J MOWER	FLATHEAD	IRRIGATION	PROVISIONAL PERMIT	07/04/1977	G	65.00	26.00

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76LJ 111219 00	FOUR SEASONS NURSERY LLC	FLATHEAD	COMMERCIAL; IRF	PROVISIONAL PERMIT	16/05/2000	G	54.32	70.85
76LJ 109451 00	HOOPERS GARDEN CENTER	FLATHEAD	COMMERCIAL; DO	PROVISIONAL PERMIT	09/11/1999	G	14.00	5.20
76LJ 101149 00	POLSON, CITY OF	LAKE	IRRIGATION	PROVISIONAL PERMIT	05/03/1997	G	141.08	75.70
						29	2111.93	1435.61

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76K 100471 00	MARK V BRADY; NANCY S BRADY	LAKE	IRRIGATION	STATEMENT OF CLAIM	03/08/1923	S	78.20	17.00
76K 103203 00	RYLOCAIT, INC	LAKE	IRRIGATION	STATEMENT OF CLAIM	15/06/1951	S	5.00	2.50
76K 104519 00	DAWN R PEDERSEN; ROMIE PEDERSEN	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	31/10/1944	S	1.50	0.50
76K 107339 00	DONALD J ERICKSON; KAREN R ERICKSON	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	01/08/1968	S	30.80	7.00
76K 107887 00	JAMES J LAKE; ONA E LAKE	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	25/04/1958	S	5.00	2.00
76K 107927 00	TAPP, JOHN C REVOCABLE TRUST; TAPP, MARCIA LANE REVOCABLE TRUST; JUDY A	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	25/01/1963	S	36.00	12.00
76K 109809 00	CLARK FAMILY TRUST	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	01/08/1918	S		12.00
76K 110497 00	HANGING J FAMILY LIMITED PARTNERSHIP	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	26/06/1946	S	288.80	70.00
76K 110498 00	HARRY BLAZER	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	01/04/1918	S	47.50	19.00
76K 110499 00	HOLMES, DAVID R JR REVOCABLE TRUST; NVA LOCKWOOD	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	31/07/1950	S	30.00	30.00
76K 112587 00	NATURE CONSERVANCY	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/03/1920	S		
76K 116341 00	BETTY L TROELLER; LEONARD G TROELLER	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	21/10/1937	S	93.60	13.00
76K 116588 00	POGGE SANDRA L REVOCABLE TRUST	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	31/12/1921	S	8.80	2.00
76K 118414 00	ANNE M REINHARD; KENNETH M REINHARD	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	23/12/1924	S	26.40	6.00
76K 12076 00	MICHELLE R CRUZ; RAFAEL L CRUZ	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	05/09/1918	S	39.60	9.00
76K 122963 00	SWAN LAKE TRADING POST	LAKE	IRRIGATION	STATEMENT OF CLAIM	04/05/1927	S	0.80	1.50
76K 124138 00	HAROLD K MILLER; LETITIA J MILLER	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/05/1968	S	5.00	2.00
76K 128870 00	NORMA M MARTIN; ROBERT L MARTIN	LAKE	IRRIGATION	STATEMENT OF CLAIM	17/05/1937	S	120.40	38.70
76K 128886 00	DRINGMAN SWAN LAKE	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/05/1955	S	0.50	0.50
76K 141482 00	NORTHERN CROSS RANCH LLC	LAKE	IRRIGATION	STATEMENT OF CLAIM	24/03/1973	S	140.00	40.00
76K 141800 00	RICHARD J BURGGRAF	LAKE	IRRIGATION	STATEMENT OF CLAIM	26/07/1920	S		7.00
76K 141721 00	SKY LODGE LIMITED PARTNERSHIP	LAKE	IRRIGATION	STATEMENT OF CLAIM	31/12/1939	S	6.00	2.50
76K 143946 00	MAYME D OBER	LAKE	IRRIGATION	STATEMENT OF CLAIM	21/11/1931	S		6.00
76K 143948 00	MAYME D OBER	LAKE	IRRIGATION	STATEMENT OF CLAIM	18/07/1931	S		49.00
76K 143949 00	MAYME D OBER	LAKE	IRRIGATION	STATEMENT OF CLAIM	14/01/1941	S		12.00
76K 143950 00	MAYME D OBER	LAKE	IRRIGATION	STATEMENT OF CLAIM	30/09/1941	S	13.80	3.00
76K 143951 00	MAYME D OBER	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/05/1952	S		6.00
76K 143952 00	MAYME D OBER	LAKE	IRRIGATION	STATEMENT OF CLAIM	15/09/1917	S		6.00
76K 143956 00	JAMES E LOVE; MARGARET LOVE	LAKE	IRRIGATION	STATEMENT OF CLAIM	14/08/1947	S	14.00	7.00
76K 147353 00	ANNEKE D JETTE; STEPHEN B JETTE	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	01/05/1925	S	22.00	5.00
76K 147441 00	ALTON E SEPT; BEULAH O SEPT	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	31/12/1918	S	40.00	20.00
76K 150006 00	DWAYNE D FORDER	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	01/11/1917	S	116.60	26.50
76K 150007 00	DWAYNE D FORDER; JANICE E WHEELER	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	16/04/1919	S	74.80	17.00
76K 150012 00	ELDA GREENOUGH; MAX GREENOUGH	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	28/06/1920	S	66.00	15.00
76K 150381 00	G KENNETH GREGOIRE; CAROL L PERETTI; E SCOTT STANLEY	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	31/12/1948	S	26.40	6.00
76K 15354 00	LOT LLC	MISSOULA	IRRIGATION	PROVISIONAL PERMIT	23/08/1977	S	1.50	0.50
76K 15949 00	SUSAN E MILLARD; TIMOTHY J MILLARD	MISSOULA	IRRIGATION	PROVISIONAL PERMIT	12/09/1977	S	1.36	17.00
76K 17142 00	ALDEEN FAMILY RANCH LLC	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	26/04/1920	S	167.20	38.00
76K 182129 00	SALLIE K GUY	LAKE	IRRIGATION	STATEMENT OF CLAIM	31/12/1955	S	6.00	2.00
76K 190583 00	USA (DEPT OF INTERIOR FISH & WILDLIFE SERVICE)	LAKE	IRRIGATION	STATEMENT OF CLAIM	10/02/1925	S	3395.00	1397.00
76K 2028 00	JAMES J WEBB; KATRINA R WEBB	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	02/10/1920	S	50.00	20.00
76K 20330 00	NANCY S BRADY; KYLE LUCKOW; MICHELLE LUCKOW	LAKE	IRRIGATION	STATEMENT OF CLAIM	13/05/1941	S	44.00	44.00
76K 20331 00	NANCY S BRADY; KYLE LUCKOW; MICHELLE LUCKOW	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/07/1983	S	44.00	44.00
76K 210777 00	BEAR MEADOWS LLC; REVOCABLE INTER VIVOS TRUST OF ARTHUR & PAT BUSBY	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	20/05/1934	S	88.00	20.00
76K 23249 00	MC KOY, B RUTH FAMILY TRUST	LAKE	IRRIGATION	PROVISIONAL PERMIT	12/08/1979	S	0.50	0.10
76K 23983 00	HALLISEY, MARGARET LOUISE WARNER TRUST	LAKE	IRRIGATION	PROVISIONAL PERMIT	26/07/1979	S	1.00	0.50
76K 24264 00	ANDREA S NIEHUIS; FERN L OLSON	LAKE	IRRIGATION	PROVISIONAL PERMIT	30/08/1979	S	1.00	0.50
76K 2514 00	JAN E BRODIE; JEFFREY H BRODIE; KIMBERLY S DAMROW; FARMER, KENNETH F REV	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	28/04/1921	S	88.00	20.00
76K 25626 00	HELEN DEBORAH VAN DYKE KING	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	28/08/1939	S	26.40	6.00
76K 25752 00	ANNE DAHL	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	18/10/1983	S	21.00	7.00
76K 27323 00	RED OWL LLC	LAKE	DOMESTIC; IRRIGATION	PROVISIONAL PERMIT	25/10/1979	S	1.88	0.35
76K 28481 00	SIX MILE ESTATES	LAKE	IRRIGATION	STATEMENT OF CLAIM	07/08/1923	S	15.00	4.00
76K 30004043	SMOKING ROCK RANCH	LAKE	IRRIGATION	PROVISIONAL PERMIT	09/10/2002	S	35.60	20.00
76K 30004279	MPG HOLDINGS LLC	MISSOULA	IRRIGATION; STATEMENT OF CLAIM	PROVISIONAL PERMIT	01/11/2002	S	3.71	2.00

SWAN RIVER DRAINAGE

Rev. 5.14.14

WRNUMBER	ALL_OWNERS	COUNTY_NM	PURPOSES	WRTYPE	PRTY_DATE	SRCTYPE	VOLUME	MAX_ACRES	
76K 30005959	MPG HOLDINGS LLC	MISSOULA	IRRIGATION; STC	PROVISIONAL PERMIT	29/04/2003	S	9.60	2.00	
76K 30762 00	MONTE M ELIASON	LAKE	IRRIGATION	PROVISIONAL PERMIT	30/07/1980	S	0.50	0.25	
76K 31847 00	LONNIE D NELSON; SUZANNE L NELSON	LAKE	IRRIGATION	PROVISIONAL PERMIT	07/10/1980	S	2.00	1.00	
76K 32501 00	MARILYN C ROBERTS; NORMAN O ROBERTS	LAKE	IRRIGATION	STATEMENT OF CLAIM	15/06/1969	S	3.00	6.00	
76K 33747 00	BERNICE N OTTO	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	30/06/1932	S	13.20	3.00	
76K 34294 00	GARRETT W DIETRICH	LAKE	IRRIGATION	STATEMENT OF CLAIM	28/08/1919	S	248.40	54.00	
76K 34331 00	DENISE LANG; JOHN LANG	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/07/1972	S	5.00	5.00	
76K 35102 00	BLANK, JEROME 1996 DECLARATION OF TRUST	MISSOULA	IRRIGATION	PROVISIONAL PERMIT	11/08/1981	S	12.00	4.00	
76K 35141 00	VAL R HOPKINS	MISSOULA	IRRIGATION; STC	PROVISIONAL PERMIT	05/08/1981	S	13.63	6.00	
76K 3593 00	LAWRENCE H NEWMAN; SANDS PROPERTY MANAGEMENT LLC	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	31/12/1914	S	8.80	2.00	
76K 39520 00	SHELDON CAMERON	MISSOULA	IRRIGATION; DOI	PROVISIONAL PERMIT	17/12/1981	S	9.50	3.00	
76K 39574 00	GRANT N SPOKLIE; SHARI A SPOKLIE	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/06/1942	S	0.99	0.32	
76K 39688 00	GARY W DIETRICH	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/06/1935	S	105.00	42.00	
76K 39741 00	JIM L BIENVENUE; LYN L BIENVENUE	LAKE	IRRIGATION	STATEMENT OF CLAIM	10/07/1965	S	2.50	1.00	
76K 39873 00	LODMELL FAMILY TRUST	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/05/1958	S	0.50	0.50	
76K 40317 00	PAUL B MILHOUS	LAKE	IRRIGATION	STATEMENT OF CLAIM	20/08/1896	S	43.75	17.50	
76K 40318 00	PAUL B MILHOUS	LAKE	IRRIGATION	STATEMENT OF CLAIM	11/10/1906	S	21.00	8.40	
76K 40319 00	PAUL B MILHOUS	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/08/1914	S	25.00	10.00	
76K 40320 00	PAUL B MILHOUS	LAKE	IRRIGATION	STATEMENT OF CLAIM	22/11/1923	S	12.30	4.10	
76K 42546 00	ALFRED C WISE; REVA M WISE	LAKE	IRRIGATION	STATEMENT OF CLAIM	13/07/1937	S	18.40	4.00	
76K 44792 00	GARY L VOLLMER	MISSOULA	DOMESTIC; IRRK	PROVISIONAL PERMIT	17/03/1982	S	0.66	2.00	
76K 45393 00	WHITE TRUST	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	01/11/1917	S	17.60	4.00	
76K 45429 00	HAMILTON DONOVAN HILL REVOCABLE LIVING TRUST	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	31/12/1918	S	92.40	21.00	
76K 47519 00	MICHAEL LANG	MISSOULA	DOMESTIC; IRRK	PROVISIONAL PERMIT	14/04/1982	S	51.30	20.00	
76K 4892 00	SHOEMAKER, DERRYLENE A REVOCABLE TRUST	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	01/11/1917	S	132.00	30.00	
76K 5115 00	CHARLES R NELSON	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	17/06/1920	S	17.30	10.00	
76K 53878 00	MIKE G STEVENSON	MISSOULA	DOMESTIC; IRRK	PROVISIONAL PERMIT	24/08/1983	S	13.63	6.00	
76K 541 00	GREG L CASEY; KATHLEEN J CASEY	LAKE	IRRIGATION	STATEMENT OF CLAIM	11/06/1918	S	4.00	1.00	
76K 5618 00	BENNINGTON, JAMES L & JOSEPHINE K TRUST	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	21/03/1940	S	175.00	44.00	
76K 5746 00	THOMAS PARKER	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	15/01/1961	S	15.00	8.00	
76K 5747 00	GEORGE E BECK	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	28/08/1937	S	158.40	36.00	
76K 5849 00	COLLEEN S MCCABE	MISSOULA	DOMESTIC; IRRK	PROVISIONAL PERMIT	28/06/1975	S	1.50	0.50	
76K 59399 00	JOSEPH P FLOOD; KARI GUNDERSON	LAKE	IRRIGATION	PROVISIONAL PERMIT	16/04/1985	S	1.50	1.00	
76K 62540 00	HALLISEY, MARGARET LOUISE WARNER TRUST	MISSOULA	DOMESTIC; IRRK	PROVISIONAL PERMIT	27/03/1986	S	28.65	10.00	
76K 62682 00	ERES UNA BARBARA LLC	MISSOULA	IRRIGATION	PROVISIONAL PERMIT	02/07/1986	S	1.00	1.80	
76K 837 00	HOLLAND PEAK RESERVE LLC	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	07/09/1920	S	176.00	40.00	
76K 838 00	HOLLAND PEAK RESERVE LLC	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	01/09/1929	S	286.00	65.00	
76K 83892 00	ALDEEN FAMILY RANCH LLC	MISSOULA	IRRIGATION	PROVISIONAL PERMIT	20/10/1992	S	12.37	16.00	
76K 9083 00	NEWMAN LAWRENCE H REVOCABLE TRUST	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	16/09/1921	S	6.60	1.50	
76K 9177 00	BANNING, EDMUND T TRUST	LAKE	IRRIGATION	PROVISIONAL PERMIT	12/08/1976	S	287.50	115.00	
76K 98547 00	ETHEL MOORE; LEONARD MOORE	MISSOULA	IRRIGATION; STC	PROVISIONAL PERMIT	14/08/1996	S	9.30	5.00	
76K 98853 00	JEROME BLANK	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	20/07/1965	S	56.60	17.00	
76K 99971 00	GORDON RANCH	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	30/03/1897	S	100.00	62.00	
76K 99972 00	GORDAN RANCH	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	30/03/1897	S	616.00	140.00	
							98	8144.03	2946.52
76K 30026889	USA (DEPT OF AGRICULTURE FOREST SERVICE)	MISSOULA	IRRIGATION	COMPACT	22/02/1997	G	240.00	80.00	
76K 9393 00	USA (DEPT OF AGRICULTURE FOREST SERVICE)	MISSOULA	IRRIGATION	PROVISIONAL PERMIT	31/08/1976	G	90.00	90.00	
							2	330.00	170.00



Cc: "Richards, Lucy" <lrichards@mt.gov>, "Mace, Ethan" <EMace@mt.gov>

I do realize the importance of making information available. Perceptions aside, the commission has historically and will continue to make such information available as we have on hand, as I did with the list of 96 irrigation rights north of the reservation which could be potentially susceptible to call by the compacted rights. An equally important aspect this type of information is the *probability* of call faced by those rights, which is *very* low given historic recorded flows. I hope that when you use that list and the additional information you have requested to inform your clients and others, you provide this important context as well. The Commission has consistently attempted to disseminate this information through notice and public meetings, as well as making its staff available engage with individual landowners to answer questions. If we need to improve our efforts in this respect, I would be happy to discuss with you possible ways to do so. Please call me any time.

I have attached a very rough list that Ethan Mace produced which lists water rights in the various drainages in the Compact area. If you want the context for how these rights might or might not be affected by the compacted rights, please call Ethan directly. He would be happy to discuss the utility and limitations of this data. I would like to point out as a caution that it would not be accurate to simply add these rights up and state that "x number of rights will be called by the Tribes under the compact". Context is everything, including such information as the levels at which tribal water rights are quantified, historic flows in that drainage, and call protections the Tribes agreed to under the Compact. Ethan is currently working on summarizing the probabilities of call in different drainages. Once that summary is complete, we would be happy to provide you with a copy of it to see if it meets your needs. We do not currently possess a list with the specific attributes you have described below. If you would like one to be compiled, you can contact Lucy Richards, our Office Support Supervisor, to initiate a public information request. Her phone number is 444-6699, and I have cc'd her on this email. Lucy will work with me and other commission staff to come up with estimated staff time and costs to produce your request. I would also point out that all of the information you have requested below is publicly accessible through the DNRC water rights records unit if you would like to obtain it more expediently and free of cost: www.dnrc.mt.gov/wrd/water_rts/records_unit/default.asp.

Finally, I have attached a letter I wrote to Chairman Vincent of the Water Policy Interim Committee that addresses the “likelihood of call” questions in very general terms. I hope this might provide some useful background.

Regards,

Melissa Hornbein

Melissa Hornbein

Special Assistant Attorney General

Montana Department of Natural Resources and Conservation

Reserved Water Rights Compact Commission and

Trustlands Management Division

1625 Eleventh Ave.

Helena, MT 59620-1601

406.444.9735

mhornbein@mt.gov

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From: Lamont Kinkade [<mailto:lamontkinkade@gmail.com>]

Sent: Friday, April 18, 2014 4:28 PM

To: Hornbein, Melissa; Mace, Ethan

Cc: Ted Schlegel; Rick Doran; Bill Leininger; Erica Wirtala

Subject: Re: 96 mainstem irrigation rights

Hi Melisa and Ethan. Thanks for the update. We were beginning to wonder if there had been a snag or change in plans. Glad to hear the commitment is still on.

As Realtors(r) we are expected, and frequently held legally accountable, to "know" and "fully disclose" both material facts and pertinent information regarding pending changes to real property rights, including uses, values, zoning, annexations, condemnations, changes to appurtenances (such as water rights appurtenant to the land), etc. In most cases all affected owners receive multiple direct notifications such as posting of physical notice.

Access

From: Jon Metropoulos [mailto:jon@metropouloslaw.com]
Sent: Monday, March 09, 2015 11:04 AM
To: Jon Metropoulos
Subject: CSKT Compact--Response to Fun Facts No. 7 re Access Issue

Senators:

By now you have received an email or two regarding the "access issue" from on and off reservation Montanans represented by me and others opposed to the CSKT Compact. I have been informed that a proponent of the Compact has claimed this issue is unrelated to the Compact and that the Compact neither "recognizes nor expands" a right of access, because a decision from 1905 recognized such a right in a different Tribe, albeit with similar Treaty language.

This email responds to that argument. This email represents the view of the individuals and groups list in the last paragraph.

The proponent's argument is flatly wrong.

There are a number of reasons why:

1. The Compact assumes the CSKT's Treaty language granting fishing rights, and therefore access, remains valid (which is not necessarily correct; see below at 7). But it also does more. The fact is the Compact **does** recognize the CSKT claim to this right and **does** expand it, both in the people who may exercise it and geographically, because it leaves the places of access and fishing (and constructing buildings for curing fish) undefined.

Take a look at Article V, C. 2 of the Compact, p. 49, lines 17 through 20 of SB 262. It explicitly protects this right. Then turn to Article IV, B. 1, "Persons Entitled To Use the Tribal Water Right." (p. 26 of SB 262, lines 29 through 30) It says "[t]he Tribal Water Right may be used by the Tribes, **their members, Allottees, or their lessees or assigns.**" The treaty language does not give this right to the Tribes "Allottees, lessees, or assigns," but the Compact does. Thus, it is an expansion of the people who may exercise this right. It also expands the potential area and places this right can be asserted for unpermitted access across private land by leaving those places completely undefined. Anywhere the CSKT have water rights for the purpose of fishing and preserving a fishery, therefore, is fair game. As you know, under the Compact this is essentially all of western Montana.

2. The Compact gives the CSKT water rights, on and off reservation, specifically for fishing. And, as noted above, it not only protects the right of access but leaves it undefined. Thus, everywhere the CSKT own or co-own an in stream right for fishing is presumptively an area where the right of access could be exercised. Look at Article III of the Compact, pages 10 to 26 of SB 262. Any place in those 16 pages where the water right is for fishing would be subject to this right of access. In particular, see Article III, D, beginning on page 16, line 8. In that section and related appendices, continuing to page 22 are set out off-reservation in stream flow rights for fishing for the Kootenai River, Kootenai River Tributaries, the Swan River, the Lower Clark Fork River, the Upper Clark Fork River, all forks of the Flathead River, Rock Creek and tributaries, the Blackfoot basin, including tribes, Flint creek and tribes the Bitterroot and tribes, and Placid Creek. It is simply inadmissible to say that the Compact does not relate to this claimed right. By memorializing, forever, a water right for the purposes of fishing, the Compact ipso facto provides the proof that a right of access to those water bodies may be exercised, unpermitted, across private land. Millions of acres of it.

3. The right to access does not equal a water right. The decisions, as all parties have recognized, say only they may have a right of access, not a water right. But the ComCom decided, what the heck, we'll give them a water right for fishing ALL OVER western Montana, again conceding the factual and legal foundation for the right to fish and, therefore, conceding access to fish all over western Montana. The right of access is plainly related to this Compact, in fact it is the basis of the Compact off reservation.

4. As noted, the Compact explicitly recognizes and expands this right of access. Just as the Compact Commission could have negotiated over whether the right to fish (and access) encompasses a water right, the Compact Commission could have negotiated the access issue but failed to, instead conceding, as noted above, access all across western Montana. Access issues, as this Legislature well knows, are highly contentious. Why access pursuant to the law of Montana is not adequate is never addressed, but should have been.

5. The Compact Commission is THE SOURCE of and the cause of this issue: its personnel, according to the Tribes, urged them to assert off reservation claims! This issue, even if the right to fish remains alive (see below at 7), has the breadth and the close connection to the Compact that it does because the ComCom personnel urged this on the Tribes, refused to explore legal defenses which might cut off the right of access, and transformed a POSSIBLE access right into an absolute water right for the purposes of fishing covering western Montana. Who were they negotiating for?

6. Whatever the outcome of the access issue, it is directly, plainly implicated by the Compact, and the proponents of the Compact have utterly failed to be candid with Montana and explain the relationship between this right of access and the water rights for fishing the Compact concedes throughout western Montana. In fact, the refusal to candidly admit the relationship between the right of access and these conceded water rights for fishing indicates proponents either don't get it or don't want to implicitly admit their lack of candor all these years. They must explain, candidly to Montana, that by conceding water rights for fishing the Compact does, in fact, provide the basis for the exercise of this claimed right of access all over western Montana. Proponents should explain why it is a good idea for western Montanan's to have this burden on their land and why the Compact should help establish it.

7. Finally, proponents should also explain why the Compact Commission, it appears, did not examine **whether** the right of access has, legally, been ended or limited by acts of Congress, as evidenced by previous litigations of the CSKT versus the U.S. subsequent to 1855. There have been many acts of congress adversely impacting Hellgate Treaty rights. The CSKT have sued the U.S. many times for these breaches, raising the possibility they are legally blocked from asserting these rights now. The Compact Commission should explain, fully and persuasively, why it did not pursue this course of action which may have lifted this cloud from the property of hundreds of thousands of Montanans.

I write you this response on behalf of the Rocky Mountain Stockgrowers Association, Dixon Melons (Harley Hettick), Doubleshoe Ranch (Bill Slack), the Flathead Joint Board of Control of the Flathead, Mission, and Jocko Valley Irrigation Districts (FJBC), Western Montana Water Users (WMWUA) and Citizens for Balanced Use (CBU). Thank you for your time.

Respectfully,

Metropoulos Law Firm, PLLC

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Helena, Montana 59601

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jon@metropouloslaw.com

2015 Proposed CSKT Compact

Here is yet another reason that more thoughtful consideration must be given to the eleven county water compact before jamming it through to State Law prematurely.

The excessive Swan River water lock-up

The 2015 Compact still mandates:

- That in a "typical" year the Tribal Water Right will entitle the Tribal government to lock up 80% of the entire flow of the Swan River. That's an excessively robust amount by almost anyone's estimation, and
- That every year 182 current water users (with over 4,400 acres dependent on Swan water- - see Attachment A)¹ will face a 20% probability² of having their water shut off by the Tribal Government just when it's needed most! (See the Compact's Water Graph, Attachment B.)

This Tribal water entitlement is so excessive that frequently it entitles the Tribal government to more water than actually exists in the entire river in many summer months (See Attachment C.)

Certainly there needs to be a Montana Fish, Parks and Wildlife in-stream Water Right to avoid total stream depletion, but to give away to another government an enforceable entitlement to an amount of water that runs between 80% and 120% of the river's entire flow, is just one more fatal and unconscionable flaw in this current proposed Compact.

To make it even worse, the property owners who are impacted may live as far as 100 miles upstream from the Reservation and have no idea that any Compact for the CSKT Reservation could ever affect them, their property or their ability to support their families. To date apparently no one has made any attempt to notify them either personally or even by written notice directly to their mailing addresses, nor have their names even been published in a paper of general circulation across the three counties of the Swan. They have simply been left to assume that "it's just a Reservation thing." But, of course, it isn't - - is it! (See Attachment D for a partial list of the "first-tier" of affected property owners.)

¹ Jay Weiner – Compact Commission 3.17.13 (Attachment A)

² Compact Commission water graph (Attachment B)

Weiner, Jay <jweiner@mt.gov>
To: Lamont Kinkade <lamontkinkade@gmail.com>
Cc: "Schultz, Bill (DNR)" <bischultz@mt.gov>

Sun, Mar 17, 2013 at 1:08 PM

Hey Lamont--

Thanks for the reminder, and the kind words. The numbers are as follows:

Flathead System (I don't have the acreage totals handy, just the number of rights):

- 94 SW water rights for irrigation out of Flathead River (76LJ)
- 1 SW water right for irrigation out of the North Fork Flathead River (76LJ)
- 105 SW water rights for irrigation out of Flathead Lake (76LJ)
- 229 GW water rights for irrigation out of North, South, Middle and mainstem Flathead River
- 2 GW water rights for irrigation out of Middle Fork Flathead River (76I)

Recall that the rights being quantified in the Compact have been set at such a level that there is no practical likelihood of call being made, and that the Tribes' Flathead Lake right is a non-diversionary right to a minimum pool elevation, not a right that allows the Tribes to bring the Lake elevation level down to minimum pool. Which means that 105 surface water rights directly from the Lake are, as a practical matter, wholly unaffected.

Kootenai System:

- 24 SW water rights for irrigation out of mainstem Kootenai River (76D) for a total of 300 acres
- 1 GW water right for irrigation out of Kootenai River mainstem area

Recall that the Tribes' Kootenai mainstem instream flow right is not enforceable so long as Libby Dam is in existence and is set at a level that, based on pre-dam hydrology, would always be satisfied under natural conditions.

Swan:

182 SW water rights for irrigation out of mainstem and tributaries of Swan River (76K) for a total of 4,500 acres

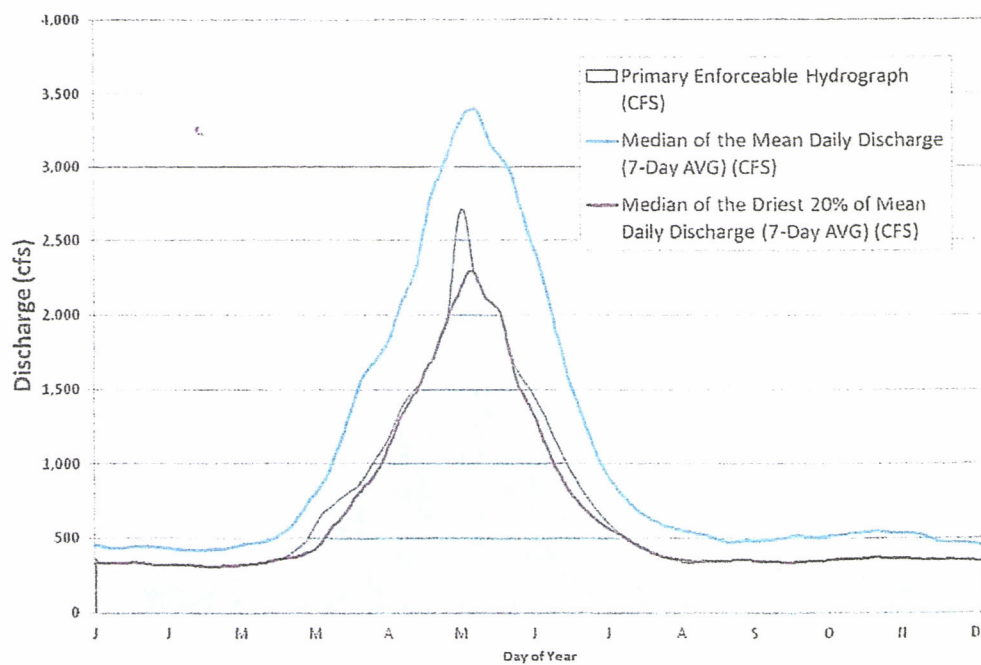
No GW rights

Recall that the Tribes' Swan instream flow right is measured in Big Fork Lake, making the right easier to keep satisfied. The right is also set in such a way that Pacific Power's right for the dam there is likely to go into deficit before the Tribes' right would.

Cheers,

Jay Weiner
Staff Attorney
Montana Reserved Water Rights Compact Commission
(406) 444-6844

Enforceable Hydrograph for the Swan River, Below Swan Lake, near Big Fork, Montana at USGS Gauge #12370000 (1923-2010)



January 26, 2015
 76K 30063809
 Category: COMPACTED OFF RESERVATION

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 PROPOSED.V1.2015
APPENDIX 26
 Page 1 of 2

STATE OF MONTANA
 DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 B - AVENUE, P.O. BOX 20600, HELENA, MONTANA 59620-0600

GENERAL ABSTRACT

Water Right Number: 76K 30063809 COMPACT
 Version: 1 - ORIGINAL RIGHT
 Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
 IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
 OF THE FLATHEAD INDIAN RESERVATION, MONTANA
 911 NE 11TH AVENUE
 PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
 BENEFICIAL OWNER AT PO BOX 279, PABLO, MT 59855-0279.

Priority Date: TIME IMMEMORIAL

Purpose (use): INSTREAM FISHERY

Maximum Flow Rate: 2,716.00 CFS

THE ENFORCEABLE LEVELS OF THIS WATER RIGHT ARE INDIVIDUAL FOR
 EACH CALENDAR DAY OF THE YEAR AND ARE IDENTIFIED IN THE TECHNICAL
 REPORT FILED WITH THIS WATER RIGHT (SEE APPENDIX 26 OF SCANNED
 FILING).

CALL MAY BE INITIATED ON THE DAY FOLLOWING A 24-HOUR PERIOD WHERE
 AVERAGE DAILY RIVER FLOWS FALL BELOW THEIR RESPECTIVE DAILY
 ENFORCEABLE VALUE.

ENFORCEABLE LEVELS OF THIS WATER RIGHT SHALL BE MEASURED AT THE
 USGS GAGE #12370000 LOCATION ON THE SWAN RIVER NEAR BIG FORK,
 MONTANA (48°01'27.23"N, 113°58'43.75"W, NAD83) (NWSESW SEC 11 T28N
 R19W). IF USGS GAGE #12370000 IS DISCONTINUED OR OTHERWISE
 RENDERED NONFUNCTIONAL, MEASUREMENTS SHALL BE TAKEN EITHER AT
 THIS SAME LOCATION OR AS NEAR TO THAT POINT AS IS REASONABLY
 PRACTICABLE.

Maximum Volume:

Source Name: SWAN RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			2	28N	19W	LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

2			11	28N	19W	LAKE
---	--	--	----	-----	-----	------

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

3			14	28N	19W	LAKE
---	--	--	----	-----	-----	------

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

4			35	28N	19W	LAKE
---	--	--	----	-----	-----	------

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1				2	28N	19W	LAKE
2				11	28N	19W	LAKE
3				14	28N	19W	LAKE
4				35	28N	19W	LAKE

PROPOSED.V1.2015

January 28, 2015
76K 30063809
Category: COMPACTED OFF RESERVATION

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APPENDIX 26
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Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
-----------	--------------	-----------------	----------------	------------	------------	------------	---------------

Remarks:

THE DESIGNATION OF A PLACE OF USE OF THIS WATER RIGHT IS A DESIGNATION FOR PURPOSES OF MEASUREMENT OF THE ENFORCEABLE LEVELS AND IS NOT A GEOGRAPHIC LIMITATION ON THE LOCATION OF JUNIOR WATER RIGHTS AGAINST WHOM THIS RIGHT MAY BE ENFORCED.

THE PLACE OF USE OF THIS WATER RIGHT INCLUDES THE REACH OF THE SWAN RIVER STARTING JUST ABOVE THE CONFLUENCE OF THE SWAN RIVER AND PETERSON CREEK (46°03'53"N, 113°58'26"W, NAD83) (NENENW SEC 35 T27N R19W) AND EXTENDING UPSTREAM TO THE CONFLUENCE OF THE SWAN RIVER AND JOHNSON CREEK (46°01'17"N, 113°58'46"W, NAD83) (NWNENW SEC 14 T26N R19W).

THIS WATER RIGHT SHALL NOT BE EXERCISED IN CONJUNCTION WITH ANY ARTIFICIAL DIVERSION.

THE OWNER OF THIS WATER RIGHT SHALL BE ENTITLED TO MAKE A CALL, IN ACCORDANCE WITH STATE LAW, TO ENFORCE THIS WATER RIGHT ONLY AGAINST JUNIOR WATER RIGHTS IN BASIN 76K (SWAN DRAINAGE) THE PURPOSE OF WHOSE RIGHTS IS IRRIGATION AND WHOSE SOURCE OF SUPPLY IS SURFACE WATER, OR AGAINST JUNIOR USERS THE PURPOSE OF WHOSE RIGHTS IS IRRIGATION, WHOSE SOURCE OF SUPPLY IS GROUNDWATER CONNECTED TO THE SURFACE SOURCES IN BASIN 76K (SWAN DRAINAGE) AND WHOSE FLOW RATE IS GREATER THAN 100 GALLONS PER MINUTE.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH & KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS IS A NONCONSUMPTIVE INSTREAM WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

2. **Mainstem Instream Flow Right in the Swan River (Basin 76K).** The Tribes have an Instream Flow water right for the reach of the mainstem of the Swan River with the associated flow rates set forth in the abstract of water right attached hereto as Appendix 26. The measurement point for this water right is USGS streamflow gage #12370000 located immediately below Swan Lake near Big Fork, Montana.

- a. The priority date for this water right is time immemorial.
- b. The period of use of this water right is January 1 to December 31 of each year.
- c. The purpose of this water right is for the maintenance and enhancement of fish habitat to benefit the instream fishery. This right shall not be changed to any other or additional purpose, changed to consumptive use, or transferred to different ownership.
- d. The point of diversion and place of use for this water right is instream. This water right shall not be exercised in conjunction with any artificial diversion.
- e. The Tribes, and/or the United States on behalf of the Tribes, shall be entitled to make a Call to enforce this water right only against junior users the purpose of whose rights is irrigation and whose source of supply is surface water, or against junior users the purpose of whose rights is irrigation, whose source of

Subject

Subject

supply is Groundwater connected to surface sources in Basin 76K and whose flow rate is greater than 100 gallons per minute.

- f. Call may be made only when the average daily flow drops below the enforceable level for the previous 24-hour period.

Subject

SWAN RIVER DRAINAGE

Rev. 5.14.14

WRNUMBER

76K 30004043 SMOKING ROCK RANCH
 76K 30004279 MPG HOLDINGS LLC
 76K 30005959 MPG HOLDINGS LLC
 76K 30762 00 MONTE M ELIASON
 76K 31847 00 LONNIE D NELSON; SUZANNE L NELSON
 76K 32501 00 MARILYN C ROBERTS; NORMAN O ROBERTS
 76K 33747 00 BERNICE N OTTO
 76K 34294 00 GARRETT W DIETRICH
 76K 34331 00 DENISE LANG; JOHN LANG
 76K 36102 00 BLANK, JEROME 1996 DECLARATION OF TRUST
 76K 36141 00 VAL R HOPKINS
 76K 3693 00 LAWRENCE H NEWMAN; SANDS PROPERTY MANAGEMENT LLC
 76K 39820 00 SHELDON CAMERON
 76K 39874 00 GRANT N SPOKIE; SHARI A SPOKIE
 76K 39888 00 GARY W DIETRICH
 76K 39741 00 JIM L BIENVENUE; LYN L BIENVENUE
 76K 39873 00 LODMELL FAMILY TRUST
 76K 40317 00 PAUL B MILHOUS
 76K 40318 00 PAUL B MILHOUS
 76K 40319 00 PAUL B MILHOUS
 76K 40320 00 PAUL B MILHOUS
 76K 42646 00 ALFRED C WISE; REVA M WISE
 76K 44792 00 GARY L VOLLMER
 76K 46393 00 WHITE TRUST
 76K 46429 00 HAMILTON DONOVAN HILL REVOCABLE LIVING TRUST
 76K 47819 00 MICHAEL LANG
 76K 4892 00 SHOEMAKER, DERRYLENE A REVOCABLE TRUST
 76K 5115 00 CHARLES R NELSON
 76K 53878 00 MIKE G STEVENSON
 76K 541 00 GREG L CASEY; KATHLEEN J CASEY
 76K 5618 00 BENNINGTON, JAMES L & JOSEPHINE K TRUST
 76K 5746 00 THOMAS PARKER
 76K 5747 00 GEORGE E BECK
 76K 5849 00 COLLEEN S MCCABE
 76K 59399 00 JOSEPH P FLOOD; KARI GUNDERSON
 76K 62540 00 HALLISEY, MARGARET LOUISE WARNER TRUST
 76K 62682 00 ERES UNA BARBARA LLC
 76K 897 00 HOLLAND PEAK RESERVE LLC
 76K 898 00 HOLLAND PEAK RESERVE LLC
 76K 89892 00 ALDEEN FAMILY RANCH LLC
 76K 9083 00 NEWMAN LAWRENCE H REVOCABLE TRUST
 76K 9177 00 BANNING, EDMUND T TRUST
 76K 98547 00 ETHEL MOORE; LEONARD MOORE
 76K 98853 00 JEROME BLANK
 76K 99971 00 GORDON RANCH
 76K 99872 00 GORDAN RANCH

COUNTY_NM	PURPOSES	WRTYPE	PRTY_DATE	SRCTYPE	VOLUME	MAX_ACRES
LAKE	IRRIGATION	PROVISIONAL PERMIT	09/10/2002	S	35.80	20.00
MISSOULA	IRRIGATION; ST	PROVISIONAL PERMIT	01/11/2002	S	3.71	2.00
MISSOULA	IRRIGATION; ST	PROVISIONAL PERMIT	29/04/2003	S	9.60	2.00
LAKE	IRRIGATION	PROVISIONAL PERMIT	30/07/1980	S	0.50	0.25
LAKE	IRRIGATION	PROVISIONAL PERMIT	07/10/1980	S	2.00	1.00
LAKE	IRRIGATION	STATEMENT OF CLAIM	15/08/1989	S	3.00	6.00
MISSOULA	IRRIGATION	STATEMENT OF CLAIM	30/08/1932	S	13.20	3.00
LAKE	IRRIGATION	STATEMENT OF CLAIM	28/08/1919	S	248.40	54.00
LAKE	IRRIGATION	STATEMENT OF CLAIM	01/07/1972	S	5.00	5.00
MISSOULA	IRRIGATION	PROVISIONAL PERMIT	11/08/1981	S	12.00	4.00
MISSOULA	IRRIGATION; ST	PROVISIONAL PERMIT	05/08/1981	S	13.83	6.00
MISSOULA	IRRIGATION	STATEMENT OF CLAIM	31/12/1914	S	8.80	2.00
MISSOULA	IRRIGATION; DO	PROVISIONAL PERMIT	17/12/1981	S	9.50	3.00
LAKE	IRRIGATION	STATEMENT OF CLAIM	01/08/1942	S	0.99	0.32
LAKE	IRRIGATION	STATEMENT OF CLAIM	01/08/1935	S	106.00	42.00
LAKE	IRRIGATION	STATEMENT OF CLAIM	10/07/1985	S	2.50	1.00
LAKE	IRRIGATION	STATEMENT OF CLAIM	01/05/1988	S	0.50	0.50
LAKE	IRRIGATION	STATEMENT OF CLAIM	20/08/1986	S	43.75	17.50
LAKE	IRRIGATION	STATEMENT OF CLAIM	11/10/1908	S	21.00	8.40
LAKE	IRRIGATION	STATEMENT OF CLAIM	01/08/1914	S	25.00	10.00
LAKE	IRRIGATION	STATEMENT OF CLAIM	22/11/1923	S	12.30	4.10
LAKE	IRRIGATION	STATEMENT OF CLAIM	13/07/1937	S	18.40	4.00
MISSOULA	DOMESTIC; IRR	PROVISIONAL PERMIT	17/03/1982	S	0.66	2.00
MISSOULA	IRRIGATION	STATEMENT OF CLAIM	01/11/1917	S	17.80	4.00
MISSOULA	IRRIGATION	STATEMENT OF CLAIM	31/12/1918	S	92.40	21.00
MISSOULA	DOMESTIC; IRR	PROVISIONAL PERMIT	14/04/1982	S	51.30	20.00
MISSOULA	IRRIGATION	STATEMENT OF CLAIM	01/11/1917	S	132.00	30.00
MISSOULA	IRRIGATION	STATEMENT OF CLAIM	17/08/1920	S	17.30	10.00
MISSOULA	DOMESTIC; IRR	PROVISIONAL PERMIT	24/08/1983	S	13.83	6.00
LAKE	IRRIGATION	STATEMENT OF CLAIM	11/08/1918	S	4.00	1.00
MISSOULA	IRRIGATION	STATEMENT OF CLAIM	21/03/1940	S	175.00	44.00
MISSOULA	IRRIGATION	STATEMENT OF CLAIM	15/01/1931	S	15.00	8.00
MISSOULA	IRRIGATION	STATEMENT OF CLAIM	26/08/1937	S	158.40	36.00
MISSOULA	DOMESTIC; IRR	PROVISIONAL PERMIT	26/06/1975	S	1.50	0.50
LAKE	IRRIGATION	PROVISIONAL PERMIT	18/04/1985	S	1.50	1.00
MISSOULA	DOMESTIC; IRR	PROVISIONAL PERMIT	27/03/1986	S	28.65	10.00
MISSOULA	IRRIGATION	PROVISIONAL PERMIT	02/07/1986	S	1.00	1.80
MISSOULA	IRRIGATION	STATEMENT OF CLAIM	07/08/1920	S	176.00	40.00
MISSOULA	IRRIGATION	STATEMENT OF CLAIM	01/08/1929	S	286.00	65.00
MISSOULA	IRRIGATION	PROVISIONAL PERMIT	20/10/1992	S	12.37	16.00
MISSOULA	IRRIGATION	STATEMENT OF CLAIM	18/08/1921	S	6.60	1.50
LAKE	IRRIGATION	PROVISIONAL PERMIT	12/08/1976	S	287.50	116.00
MISSOULA	IRRIGATION; ST	PROVISIONAL PERMIT	14/08/1986	S	9.30	5.00
MISSOULA	IRRIGATION	STATEMENT OF CLAIM	20/07/1965	S	58.60	17.00
MISSOULA	IRRIGATION	STATEMENT OF CLAIM	30/03/1987	S	100.00	62.00
MISSOULA	IRRIGATION	STATEMENT OF CLAIM	30/03/1997	S	616.00	140.00
				98	8144.03	2046.52
				G	240.00	60.00
				G	90.00	90.00
				2	330.00	170.00

76K 30026889 USA (DEPT OF AGRICULTURE FOREST SERVICE)
 76K 9393 00 USA (DEPT OF AGRICULTURE FOREST SERVICE)

SWAN RIVER DRAINAGE

Rev. 5.14.14
WRNUMBER

ALL_OWNERS

COUNTY_NM

PURPOSES

WRTYPE

PRTY_DATE

SRCTYPE

VOLUME

MAX_ACRES

76K 100471 00	MARK V BRADY; NANCY S BRADY	LAKE	IRRIGATION	STATEMENT OF CLAIM	03/08/1923	S	78.20	17.00
76K 103203 00	RYLOCAIT, INC	LAKE	IRRIGATION	STATEMENT OF CLAIM	15/06/1951	S	5.00	2.50
76K 104519 00	DAWN R PEDERSEN; ROMIE PEDERSEN	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	31/10/1944	S	1.50	0.50
76K 107339 00	DONALD J ERICKSON; KAREN R ERICKSON	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	01/06/1988	S	30.80	7.00
76K 107687 00	JAMES J LAKE; ONA E LAKE	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	25/04/1958	S	5.00	2.00
76K 107827 00	TAPP, JOHN C REVOCABLE TRUST; TAPP, MARCIA LANE REVOCABLE TRUST; JUDY,	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	25/01/1983	S	38.00	12.00
76K 109809 00	CLARK FAMILY TRUST	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	01/08/1918	S		12.00
76K 110497 00	HANGING J FAMILY LIMITED PARTNERSHIP	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	25/06/1946	S	288.80	70.00
76K 110498 00	HARRY BLAZER	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	01/04/1918	S	47.50	19.00
76K 110499 00	HOLMES, DAVID R JR REVOCABLE TRUST; NIVA LOCKWOOD	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	31/07/1950	S	30.00	30.00
76K 112587 00	NATURE CONSERVANCY	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/03/1920	S		
76K 115341 00	BETTY L TROELLER; LEONARD G TROELLER	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	21/10/1937	S	93.60	13.00
76K 118588 00	POGGE SANDRA L REVOCABLE TRUST	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	31/12/1921	S	8.80	2.00
76K 118414 00	ANNE M REINHARD; KENNETH M REINHARD	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	23/12/1924	S	28.40	6.00
76K 12076 00	MICHELLE R CRUZ; RAFAEL L CRUZ	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	05/09/1916	S	38.80	9.00
76K 122953 00	SWAN LAKE TRADING POST	LAKE	IRRIGATION	STATEMENT OF CLAIM	04/05/1927	S	0.80	1.50
76K 124138 00	HAROLD K MILLER; LETITIA J MILLER	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/05/1988	S	5.00	2.00
76K 128070 00	NORMA M MARTIN; ROBERT L MARTIN	LAKE	IRRIGATION	STATEMENT OF CLAIM	17/05/1937	S	120.40	38.70
76K 128998 00	DRINGMAN SWAN LAKE	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/05/1955	S	0.50	0.50
76K 141482 00	NORTHERN CROSS RANCH LLC	LAKE	IRRIGATION	STATEMENT OF CLAIM	24/03/1973	S	140.00	40.00
76K 141600 00	RICHARD J BURGGRAF	LAKE	IRRIGATION	STATEMENT OF CLAIM	26/07/1920	S		
76K 141721 00	SKY LODGE LIMITED PARTNERSHIP	LAKE	IRRIGATION	STATEMENT OF CLAIM	31/12/1939	S	6.00	2.50
76K 143948 00	MAYME D OBER	LAKE	IRRIGATION	STATEMENT OF CLAIM	21/11/1931	S		8.00
76K 143948 00	MAYME D OBER	LAKE	IRRIGATION	STATEMENT OF CLAIM	18/07/1931	S		49.00
76K 143949 00	MAYME D OBER	LAKE	IRRIGATION	STATEMENT OF CLAIM	14/01/1941	S		12.00
76K 143950 00	MAYME D OBER	LAKE	IRRIGATION	STATEMENT OF CLAIM	30/09/1941	S	13.80	3.00
76K 143951 00	MAYME D OBER	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/05/1952	S		6.00
76K 143952 00	MAYME D OBER	LAKE	IRRIGATION	STATEMENT OF CLAIM	15/09/1917	S		6.00
76K 143956 00	JAMES E LOVE; MARGARET LOVE	LAKE	IRRIGATION	STATEMENT OF CLAIM	14/09/1947	S	14.00	7.00
76K 147353 00	ANNEKE D JETTE; STEPHEN B JETTE	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	01/05/1925	S	22.00	5.00
76K 147441 00	ALTON E SEPT; BEULAH O SEPT	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	31/12/1918	S	40.00	20.00
76K 150008 00	DWAYNE D FORDER	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	01/11/1917	S	118.80	28.50
76K 150007 00	DWAYNE D FORDER; JANICE E WHEELER	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	18/04/1919	S	74.80	17.00
76K 150012 00	ELDA GREENOUGH; MAX GREENOUGH	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	29/08/1920	S	68.00	15.00
76K 150381 00	G KENNETH GREGOIRE; CAROL L PERETTI; E SCOTT STANLEY	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	31/12/1948	S	26.40	8.00
76K 15354 00	LOT LLC	MISSOULA	IRRIGATION	PROVISIONAL PERMIT	23/08/1977	S	1.50	0.50
76K 15849 00	SUSAN E MILLARD; TIMOTHY J MILLARD	MISSOULA	IRRIGATION	PROVISIONAL PERMIT	12/09/1977	S	1.36	17.00
76K 17142 00	ALDEEN FAMILY RANCH LLC	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	26/04/1920	S	167.20	38.00
76K 182129 00	SALLIE K GUY	LAKE	IRRIGATION	STATEMENT OF CLAIM	31/12/1955	S	6.00	2.00
76K 190563 00	USA (DEPT OF INTERIOR FISH & WILDLIFE SERVICE)	LAKE	IRRIGATION	STATEMENT OF CLAIM	10/02/1925	S	3395.00	1397.00
76K 2028 00	JAMES J WEBB; KATRINA R WEBB	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	02/10/1920	S	50.00	20.00
76K 20330 00	NANCY S BRADY; KYLE LUCKOW; MICHELLE LUCKOW	LAKE	IRRIGATION	STATEMENT OF CLAIM	13/05/1941	S	44.00	44.00
76K 20331 00	NANCY S BRADY; KYLE LUCKOW; MICHELLE LUCKOW	LAKE	IRRIGATION	STATEMENT OF CLAIM	01/07/1963	S	44.00	44.00
76K 210777 00	BEAR MEADOWS LLC; REVOCABLE INTER VIVOS TRUST OF ARTHUR & PAT BUSBY	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	20/05/1934	S	88.00	20.00
76K 23249 00	MC KOY, B RUTH FAMILY TRUST	LAKE	IRRIGATION	PROVISIONAL PERMIT	12/08/1979	S	0.50	0.10
76K 23983 00	HALLISEY, MARGARET LOUISE WARNER TRUST	LAKE	IRRIGATION	PROVISIONAL PERMIT	28/07/1979	S	1.00	0.50
76K 24254 00	ANDREA S NIEHUIS; FERN L OLSON	LAKE	IRRIGATION	PROVISIONAL PERMIT	30/08/1979	S	1.00	0.50
76K 2514 00	JAN E BRODIE; JEFFREY H BRODIE; KIMBERLY S DAMROW; FARMER, KENNETH F RE	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	28/04/1921	S	88.00	20.00
76K 25626 00	HELEN DEBORAH VAN DYKE KING	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	28/08/1939	S	28.40	6.00
76K 25752 00	ANNE DAHL	MISSOULA	IRRIGATION	STATEMENT OF CLAIM	18/10/1963	S	21.00	7.00
76K 27323 00	RED OWL LLC	LAKE	DOMESTIC; IRRIGATION	PROVISIONAL PERMIT	25/10/1979	S	1.88	0.35
76K 28481 00	SIX MILE ESTATES	LAKE	IRRIGATION	STATEMENT OF CLAIM	07/09/1923	S	15.00	4.00

RICHARD A. SIMMS

ATTORNEY AT LAW

Overnight Priority Mail

NEW MEXICO BOARD CERTIFIED
Specialist in Water Law
Nov. 16, 1991 - Nov. 27, 2012
Licensed in New Mexico

November 5, 2014

Attorney General Tim Fox
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richard.simms@aol.com

Dear General Fox:

Representatives of your office, the Compact Commission, the Legislative Services Division, and the Water Policy Interim Committee have been told that the Confederated Salish & Kootenai Compact violates Art. IX of the Montana Constitution. The common response has been to say that Art. IX § (3)4 states that "[the] legislature shall provide for the administration, control, and regulation of water rights and shall establish a system of centralized records, in addition to the present system of local records." After emphasizing the phrase "the legislature shall provide," it is my understanding that your position has been that in ratifying the CSKT Compact the legislature would be doing exactly what the Constitution mandates, *i.e.*, providing for the administration of water rights. Your response is the same response that is overweeningly recited by the Compact Commission, the Legal Services Division, and the Water Policy Interim Committee. The purpose of this letter is to explain how illusory the response is.

The provisions of Art. IX of the Montana Constitution apply interactively to the State of Montana. Art. IX, § 3(1) provides that "[a]ll existing rights to the use of any waters for any useful or beneficial purpose are hereby recognized and confirmed." The existing rights referred to in Art. IX are all water rights perfected in Montana by diversion and application to beneficial use under the territorial and common law of prior appropriation in Montana prior to 1973, the year the Montana Water Use Act was enacted.

Art. IX § 3(3) states that all "surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law." This provision results from the federal government's initial deference to the emergence of territorial and state water law in the West, which was enacted into federal law through the Act of July 26, 1866, 14 Stat. 253, the Act of July 9, 1870,

16 Stat. 218, and the Desert Land Act of March 3, 1877, 19 Stat. 377. Finally, Art. IX § (4) of the Montana Constitution provides that "[t]he legislature shall provide for the administration, control, and regulation of water rights and shall establish a system of centralized records, in addition to the present system of local records."

The mandate to provide for state administration of water rights required: 1) the adjudication of all pre-1973 water rights recognized and confirmed in Art. IX § (3)¹ in order to make them subject to administration; 2) the creation of a statutory procedure for perfecting new (post-1973) water rights and changes in place or purpose of use of both pre-1973 rights and newly permitted water rights; 3) the creation of a statewide system of *inter sese* adjudication wherein all water rights are determined as between individual water right owners and the state **and as among one another** in order to make the United States, on its own behalf, and on behalf of its Indian wards, subject to being named a party defendant in Montana's state court water rights adjudication under the McCarran Amendment; and 4) the creation of a system of administration for all interdependent, adjudicated water rights as among one another. As planned at the Constitutional Convention, on the same day the Montana Constitution was adopted, the Montana legislature created statutory schemes for all four of these prerequisites in order to enable the State to provide for the "control and regulation of the water rights" and the establishment of "a system of centralized records, in addition to the present system of local records." All four of these statutory schemes mandated by Art. IX of the Montana Constitution have statewide application for the simple reason that Montana's organic law does not carve out gaping geographical holes in its application.

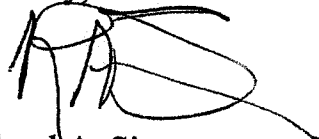
If the legislature were to ratify the CSKT Compact it would:

- 1) Preclude the formal recognition of the individual water rights owned by both Tribal and non-Tribal irrigators in the Flathead, Mission, and Jocko irrigation districts on the Flathead Reservation, contrary to state and federal law;
- 2) Effectuate a taking of: a) the real property rights of some 23,000 non-Indians residing within the boundaries of the Flathead Reservation; b) the real property rights of the irrigators in the Flathead, Mission, and Jocko irrigation districts and c) the water rights appurtenant to their property within the boundaries of the Flathead Reservation, in violation of the Fifth Amendment of the United States Constitution;
- 3) Violate the equal protection clause of the United States Constitution;
- 4) Usurp the system of statewide adjudication, administration, and regulation of water rights in Montana currently in place as a result of the mandate of Art. IX;
- 5) Vitate the system of centralized records mandated by Art. IX;

- 6) Give plenary control over the administration of all water rights within the Flathead Reservation, whether "derived from tribal, state or federal law," to a single entity whose water rights are adverse to all other water rights in the relevant water basins in the pending statewide adjudication in the Montana Water Court;
- 7) Usurp McCarran Amendment jurisdiction over the United States, not only with respect to its own rights, but also for its claims of rights for the CSKT in trust;
- 8) Totally negate the contemplation of Art. IX with respect to state control over the adjudication and administration of the interrelated and conflicting water rights *inter sese*;
- 9) Take away the ability to administer the water rights of the United States on its own behalf and the water rights of the United States on behalf of its Indian wards as against the water rights of all non-Indian citizens of Montana residing in the affected water basins; and
- 10) Completely upend the object of Art. IX of the Montana Constitution and numerous laws enacted by the Montana legislature pursuant to the mandate of Art. IX.

In conclusion, the blind assertion that the ratification of the CSKT Compact would "provide for the administration of water rights pursuant to Art. IX of the Montana Constitution," is dead wrong under both federal and state water law. The conveyance of exclusive administrative authority to the Tribes under "The Law of Administration" means that the UMO (or the Law of Administration) "shall govern all water rights, whether derived from tribal, state, or federal law" and "shall control all aspects of water uses, changes of existing uses, enforcement of water right calls and all aspects of enforcement within the exterior boundaries of the Flathead Indian Reservation." In sum, the "Law of Administration" obliterates Art. IX of the Montana Constitution and all of the Montana law enacted pursuant thereto by the Montana legislature.¹ To conclude that the ratification of the CSKT Compact would "provide for the administration, control, and regulation of water rights" in Montana is completely inane.

Sincerely,



Richard A. Simms

¹ Pursuant to the "Law of Administration," "any provision of Title 85, MCA, that is inconsistent with this Law of Administration is not applicable within the Reservation."

Cc: Members of the Montana Reserved Water Rights Compact Commission
Members of the Water Policy Interim Committee
All Legislators
John Tubbs, Director of the Montana Department of Natural Resources
and Conservation

RICHARD A. SIMMS

ATTORNEY AT LAW

Overnight Priority Mail

NEW MEXICO BOARD CERTIFIED
Specialist in Water Law
Nov. 16, 1991 - Nov. 27, 2012
Licensed in New Mexico

November 5, 2014

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richard.simms@aol.com

Dear General Fox:

Representatives of your office, the Compact Commission, the Legislative Services Division, and the Water Policy Interim Committee have been told that the Confederated Salish & Kootenai Compact violates Art. IX of the Montana Constitution. The common response has been to say that Art. IX § (3)4 states that "[the] legislature shall provide for the administration, control, and regulation of water rights and shall establish a system of centralized records, in addition to the present system of local records." After emphasizing the phrase "the legislature shall provide," it is my understanding that your position has been that in ratifying the CSKT Compact the legislature would be doing exactly what the Constitution mandates, *i.e.*, providing for the administration of water rights. Your response is the same response that is overweeningly recited by the Compact Commission, the Legal Services Division, and the Water Policy Interim Committee. The purpose of this letter is to explain how illusory the response is.

The provisions of Art. IX of the Montana Constitution apply interactively to the State of Montana. Art. IX, § 3(1) provides that "[a]ll existing rights to the use of any waters for any useful or beneficial purpose are hereby recognized and confirmed." The existing rights referred to in Art. IX are all water rights perfected in Montana by diversion and application to beneficial use under the territorial and common law of prior appropriation in Montana prior to 1973, the year the Montana Water Use Act was enacted.

Art. IX § 3(3) states that all "surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law." This provision results from the federal government's initial deference to the emergence of territorial and state water law in the West, which was enacted into federal law through the Act of July 26, 1866, 14 Stat. 253, the Act of July 9, 1870,

16 Stat. 218, and the Desert Land Act of March 3, 1877, 19 Stat. 377. Finally, Art. IX § (4) of the Montana Constitution provides that "[t]he legislature shall provide for the administration, control, and regulation of water rights and shall establish a system of centralized records, in addition to the present system of local records."

The mandate to provide for state administration of water rights required: 1) the adjudication of all pre-1973 water rights recognized and confirmed in Art. IX § (3)1 in order to make them subject to administration; 2) the creation of a statutory procedure for perfecting new (post-1973) water rights and changes in place or purpose of use of both pre-1973 rights and newly permitted water rights; 3) the creation of a statewide system of *inter sese* adjudication wherein all water rights are determined as between individual water right owners and the state and as among one another in order to make the United States, on its own behalf, and on behalf of its Indian wards, subject to being named a party defendant in Montana's state court water rights adjudication under the McCarran Amendment; and 4) the creation of a system of administration for all interdependent, adjudicated water rights as among one another. As planned at the Constitutional Convention, on the same day the Montana Constitution was adopted, the Montana legislature created statutory schemes for all four of these prerequisites in order to enable the State to provide for the "control and regulation of the water rights" and the establishment of "a system of centralized records, in addition to the present system of local records." All four of these statutory schemes mandated by Art. IX of the Montana Constitution have statewide application for the simple reason that Montana's organic law does not carve out gaping geographical holes in its application.

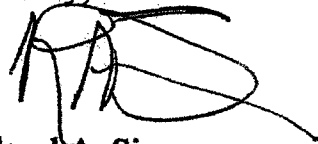
If the legislature were to ratify the CSKT Compact it would:

- 1) Preclude the formal recognition of the individual water rights owned by both Tribal and non-Tribal irrigators in the Flathead, Mission, and Jocko irrigation districts on the Flathead Reservation, contrary to state and federal law;
- 2) Effectuate a taking of: a) the real property rights of some 23,000 non-Indians residing within the boundaries of the Flathead Reservation; b) the real property rights of the irrigators in the Flathead, Mission, and Jocko irrigation districts and c) the water rights appurtenant to their property within the boundaries of the Flathead Reservation, in violation of the Fifth Amendment of the United States Constitution;
- 3) Violate the equal protection clause of the United States Constitution;
- 4) Usurp the system of statewide adjudication, administration, and regulation of water rights in Montana currently in place as a result of the mandate of Art. IX;
- 5) Vitate the system of centralized records mandated by Art. IX;

- 6) Give plenary control over the administration of all water rights within the Flathead Reservation, whether "derived from tribal, state or federal law," to a single entity whose water rights are adverse to all other water rights in the relevant water basins in the pending statewide adjudication in the Montana Water Court;
- 7) Usurp McCarran Amendment jurisdiction over the United States, not only with respect to its own rights, but also for its claims of rights for the CSKT in trust;
- 8) Totally negate the contemplation of Art. IX with respect to state control over the adjudication and administration of the interrelated and conflicting water rights *inter sese*;
- 9) Take away the ability to administer the water rights of the United States on its own behalf and the water rights of the United States on behalf of its Indian wards as against the water rights of all non-Indian citizens of Montana residing in the affected water basins; and
- 10) Completely upend the object of Art. IX of the Montana Constitution and numerous laws enacted by the Montana legislature pursuant to the mandate of Art. IX.

In conclusion, the blind assertion that the ratification of the CSKT Compact would "provide for the administration of water rights pursuant to Art. IX of the Montana Constitution," is dead wrong under both federal and state water law. The conveyance of exclusive administrative authority to the Tribes under "The Law of Administration" means that the UMO (or the Law of Administration) "shall govern all water rights, whether derived from tribal, state, or federal law" and "shall control all aspects of water uses, changes of existing uses, enforcement of water right calls and all aspects of enforcement within the exterior boundaries of the Flathead Indian Reservation." In sum, the "Law of Administration" obliterates Art. IX of the Montana Constitution and all of the Montana law enacted pursuant thereto by the Montana legislature.¹ To conclude that the ratification of the CSKT Compact would "provide for the administration, control, and regulation of water rights" in Montana is completely inane.

Sincerely,



Richard A. Simms

¹ Pursuant to the "Law of Administration," "any provision of Title 85, MCA, that is inconsistent with this Law of Administration is not applicable within the Reservation."

Cc: Members of the Montana Reserved Water Rights Compact Commission
Members of the Water Policy Interim Committee
All Legislators
John Tubbs, Director of the Montana Department of Natural Resources
and Conservation

January 8, 2014
Revised, March 19, 2014

MEMORANDUM

TO: Environmental Quality Council
FROM: Representatives: Ballance, J. Bennett, Blasdel, Cuffe, Doane, Edmunds, Ehli, Fiscus, Flynn, Galt, Glimm, Greef, Hagstrom, Hansen, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Miller, O'Neil, Randall, Redfield, Regier, Schwaderer, C. Smith, Vance, Wagoner, Warburton, White, Zolnikov
Senators: Boulanger, D. Brown, Buttrey, Fielder, Jackson, Lewis, Moore, Priest, Sonju, J. Taylor, Thomas, Walker, Webb, Wittich
SUBJECT: Request for MEPA Analysis of the Proposed Water Compact with the Confederated Salish and Kootenai Tribes (CSKT)

As legislators responsible for the review, approval and ultimate passage of any water compact negotiated by the Montana Reserved Water Rights Compact Commission (RWRCC), we are writing to request that the Environmental Quality Council order and supervise a review of the proposed CSKT Compact under the Montana Environmental Policy Act (MEPA). Without such analysis, the Montana Legislature does not have the necessary information to properly consider the impacts of the proposed Compact or make an informed decision as to whether it is a fair and equitable settlement as directed by MCA 85-2-701.

The proposed CSKT Compact differs from every other Compact negotiated by the RWRCC in several important respects:

- The proposed Compact includes off-reservation, non-federal reserved water rights claims to streams and rivers across eleven counties in western Montana hence impacting property rights and future growth in these counties;
- The proposed Compact transfers large quantities of private fee land and water rights out of private ownership to the federal government;
- The proposed Compact increases on-reservation instream flows by up to 400% without the demonstration of fishery need, evaluation of the impacts of increased flow on stream bank and stream channel stability, or evaluation of the impacts to shallow ground water of removing water from irrigation canals and leaving it instream;
- The proposed Compact contemplates irrigation efficiency improvements without evaluation of the impact to ground water recharge and wells;
- The proposed Compact consumes all of the 'legally available' water in the basin without the necessary quantification of the federal reserved water right based on the purpose of the Flathead Indian Reservation in a manner consistent with the McCarren Amendment;
- The proposed Compact contains over 1,000 pages of Water Abstracts, not submitted with the 130-page proposed Compact bill (H.B. 629), that make it difficult—if not impossible—for legislators to fully understand and articulate the region-wide impacts of the Compact. These Abstracts were not analyzed and cannot be used to assess when and how often private property rights will be impacted;

- The proposed Compact imposes a new Tribal regulatory scheme on 28,000 Montana citizens residing within the exterior boundaries of the reservation, 23,000 who are non-members.

In addition, because the proposed Compact was submitted to the legislature late in the session, it did not undergo the required legal, fiscal, and constitutional review customary for bills of this magnitude involving significant state resources. If ratified by the State, Congress, and the Tribes in its current form, the proposed Compact will be a legal document that cannot be amended by the State of Montana at a later time.

The Montana Reserved Water Rights Compact Commission (Commission), defined as an 'agency' under MEPA, is required to conduct an environmental analysis upon taking an *action*, which is defined as:

...a proposal by an agency to authorize, recommend, or implement an action to serve an identified need or solve a recognized problem. (Emphasis added)¹

The Commission is recommending to the legislature that it approve the proposed CSKT Compact whose components result in irretrievable actions that significantly affect the quality of the human and natural environment, preclude future opportunities, and restrict the use and enjoyment of private property free of undue government regulation.

Prior to the submission of the proposed Compact to the 2013 legislature, the Commission did not conduct an environmental analysis, claiming it had received a "Categorical Exclusion"(CE) because (a) it was settling litigation, and (b) the Compact was not an "action" and did not trigger an environmental analysis. However, a review of Commission and agency records indicates that the "settling litigation" CE applies only to federal agencies and that under MEPA, a Categorical Exclusion for the Compact could result only after agency rulemaking or a programmatic review. Under MEPA,

a Categorical Exclusion is defined as a level of environmental review for agency actions that do not individually, collectively, or cumulatively cause significant impacts to the human environment, as determined by rulemaking or programmatic review, and for which an EA or EIS is not required. The rulemaking or programmatic review must also identify the circumstances that could cause an otherwise excluded action to potentially have significant environmental impacts and provide a procedure whereby these situations would be discovered and appropriately analyzed.

Neither the Compact Commission nor the Department of Natural Resources and Conservation (DNRC) conducted a rulemaking procedure or a programmatic review of the Compact that would qualify it for a Categorical Exclusion before recommending it to the legislature for consideration².

MEPA also requires an analysis of an agency action when it has private property takings implications and / or when the action will potentially restrict the use of private property. The proposed Compact has both private property takings implications and regulatory restrictions on the use of private property throughout the impacted areas. Although the *Private Property Assessment Act* (MCA 2-10-105) and the *Economic Review of New Regulations* (MCA 2-4-405) are also applicable to the review of the proposed Compact, such analyses could be conducted within the framework of a MEPA review. Finally, MEPA is invoked for state actions that have precedential implications³.

¹ MCA 75-1-102 3(a); See also *A Guide to the Montana Environmental Policy Act*, 2013, Legislative Environmental Policy Office, Helena, MT.

² MCA 75-1-102 Section 3 5(a)

³ MCA 75-1-201 Section 2-3-104 IV(f)

From our review of the proposed Compact documents, we conclude that an Environmental Impact Statement analysis under MEPA is necessary and required. Without such an analysis, legislators will be once again faced with making a permanent, long-term decision involving state resources and significantly affecting the economy and environment of Montana without sufficient information. Proceeding blindly into agreeing to this Compact would be a disservice to all Montanans, including the members of the CSKT.

We strongly urge the EQC consider that a detailed environmental impact analysis of the proposed CSKT Compact under MEPA is required so that proper analysis of the environmental and economic impacts associated with the Montana Reserved Water Right Compact Commission's proposed CSKT Compact can be known prior to its consideration in either a special session or the 2015 legislative session.

EQC Oversight of MEPA Study

Because the Compact Commission has emphatically denied the need for an environmental analysis, and *because the DNRC and the Governor's office were heavily involved in the negotiation of the proposed CSKT Compact, we request the analysis be overseen and directed independently by the Environmental Quality Council, outside the authority of the DNRC and the Governor's budget office.* It is imperative to the citizens of Montana to assure the legislature receives clear, credible, unbiased information to ensure we make a responsible, informed decision.

The EQC would exercise its oversight authority by:

- Determining the level of environmental review, including the possibility that a full Environmental Impact Study would be needed because of the significance of potential impacts on the human environment;
- Determining the scope of review
- Identifying the major issues
- Identifying the affected environment and impacts
- Identification of the regulatory restrictions
- Identification of the potential legal issues

We believe that the EQC could employ the use of the Montana Bureau of Mines and Geology, selected divisions within the DNRC, and independent environmental and economic firms to provide the necessary studies that would guide the legislature's consideration of the proposed CSKT Compact.

Proposed Funding

Funding for the MEPA review of the proposed CSKT Compact could be derived from the \$55 million dollar state contribution fund set aside in 2013 for the CSKT Compact.⁴

⁴ The Governor's Report on the CSKT Compact prepared by the Compact Commission admitted that environmental studies would need to be completed for most, if not all of the Compact's components. However no funds were identified to conduct these studies in this supposed 'final' agreement making certain future appropriations will be necessary.

3/25/2014

Gmail - Letter to EQC signed by 49 Legislators



Letter to EQC signed by 49 Legislators

ballance4hd89@aol.com <ballance4hd89@aol.com>
To: lamontkinkade@gmail.com

Mon, Mar 24, 2014 at 9:51 PM

Lamont, I apologize for the delay on this. I missed your email and was going back through today to see if I missed any and found yours. Here is the letter to the EQC which has now been signed by 50 legislators. I also received your letter - thank you. Nancy

[Quoted text hidden]



EQCMemoMEPA - revised 3-19-14.docx
22K

GLORIA ROARK
10079 MILLER CREEK ROAD
MISSOULA, MT. 59803
(406)251-5961

April 11, 2015

My name is Gloria Roark and my husband and I own a Homestead Ranch in Greenough. Mt.

I Rise to oppose SB262, THE WATER COMPACT BILL.

A lot of information has been presented to you about facts, as well as history. Much of the information you have received is speculation though, and it is definitely a legal quagmire designed by lawyers. Some questions that need to be answered are:

1. Do we want to be governed by lawyers?
2. Do we want to continue on the path of racism, ie the Native Americans pitted against non-Native Americans?
3. Does this Legislature want to be remembered as the current "Robber Barons," by the theft of water from their own residents? The same players involved in the Deregulation of Power such as Fred Thomas, Marc Racicot, Rick Hill, Denny Rehberg to name a few, are supporting this Compact. Power bills doubled. History does repeat itself.
4. Shouldn't we expect more from our leaders? This Compact is a clear violation of our Mt. and U. S. Constitutions. Gov. Bullock and A. G. Tim Fox both endorse this Compact. Two people with supposed different ideologies and platforms have aligned themselves together against the people who elected them. **ALL OF THE PEOPLE OF MT. NEED TO BE REPRESENTED, NOT JUST A SPECIFIC GROUP.**
5. Do we want to be authors of laws in perpetuity, unable to change them or correct them as needs change?

This Compact should not be treated like it is a "BLUE LIGHT SPECIAL." It is not readable, is too long, distorts the Law of the Land, is destructive and will hurt all Montanans, including the Tribes, and was not created in the spirit of integrity. This Water Compact transcends all political views and alliances, and I am asking you to rise to the level of States Men and Women, and **vote NO on SB262.**

Thank you.

My husband and I oppose the Water Compact for these reasons.

Economic and Environmental Impact Statements have not begun and won't begin until the Water Compact is ratified. That is too late as our wells, municipalities, property values, future growth and developments must be considered first.

The Montana Constitution, our State Water Authority, State Water Court and the Montana Environmental Policy Act have protected our water rights. If the Water Compact is approved by the Montana Legislature and then passed by the U.S. Congress, a new Water Board will be created. The Water Board will consist of 2 appointed CSKT representatives, 2 appointed State representatives, and 1 representative appointed by the 4. The federal government will greatly influence the CSKT representatives, as the Tribes receive many federal financial benefits and there are strings attached. Sadly, the federal government's goals for Montana do not coincide with our desires for the freedom to develop timber, ranching, agriculture, coal and oil, all of which need water. The Water Compact establishes water rights for the CSKT without legal decisions granting those rights.

The threat of CSKT law suits resulting in personal expense is bogus. Montana's general stream adjudication has been underway since 1979 and well worth the expense. In this process, the State is responsible for filing, verifying and submitting its citizens' water rights to the Montana Water Court. The State Department of Natural Resources and Conservation is responsible for verifying water rights according to strict procedures outlined by the Montana Water Court. Except for special circumstances no one individual is responsible for hiring their own attorney. The Water Compact obliterates this precious State process.

It is significant that the Tribes will be taking over the Kerr Dam's hydroelectric facility in about 180 days. "The CSKT will reacquire a major resource that was lost to us during the allotment days" says Energy Keepers CEO Brian Lipscomb. "The dam is a major site that controls the top 10 feet of Flathead Lake, plus the river below that has always been so important to us." (March 8, 2015 Missoulain)

The powers behind the Water Compact have spent a fortune in mailings, full page advertisements, lawyers, lobbyists, and influencing very prestigious people to lobby. So we should be intimidated, but we come to you because we trust you to do what is right for Montana and us, concerning our water rights.

Please oppose this Water Compact.

Jeanette Zentgraf

P.O. Box 1116

Lolo, MT 59847

406-273-3685

Jeanette Zentgraf

Comparison of 2013 and 2015 CSKT Compact

Compact Component	2013	2015	Notes
Reservation of Flathead Indian reservation	Tribes reserved reservation Definition of reservation as "Indian Country" rather than MT definition of reservation	Tribes reserved reservation Definition of reservation as "Indian Country" rather than MT definition of reservation	Indian reservations were reserved by the United States, not the Tribes. Every other compact acknowledges federal reservation of land. There would be no federal reserved water for Forests, National Parks, or wildlife reservations if Federal government did not reserve land
Irrigation water use for Flathead Irrigation Project	Called : "Irrigation Water Use Agreement" *Transfer of bare legal title of state law-based irrigation water rights to CSKT *70% reduction in historic use *irrigators given promise of "right to receive water", 179,000 AF or 1.4 acre feet per acre at the farm turnout *Requirement to relinquish and cease defending water rights	Called: "Adaptive Management" *Transfer of bare legal title of state law-based irrigation water rights to CSKT *70% reduction in historic use *Irrigators receive "delivery entitlement certificate" to 179,000 AF in a wet year, or 1.4 af/ac at the farm turnout in a wet year *Irrigators can pursue water rights in MT general stream adjudication	Taking of irrigation water rights of Indian and non-Indian water users on fee land in FIP and conversion to instream flow; variation of delivery from year to year determined by Tribe
Purpose of Reservation	Unknown	Unknown	Required determination under Winters doctrine, completed for every other reservation in Montana. Purpose from Hellgate Treaty: agriculture, on reservation fisheries
Volume of Federal Reserved Water Right to fulfill purpose of the reservation	Unknown priority date of all "tribal water" is time immemorial	Unknown priority date of all "tribal water" is time immemorial	Required as per definition of 'federal reserved water right'; determined for every other reservation in Montana. Priority date of water right is date of reservation
Water Administration	Tribal Unitary Management Ordinance Unitary Management Board: Governor appoints 2 members; Tribes appoints 2 members; fifth member appointed by these four or MT. Supreme Court	Tribal "Law of Administration" Unitary Management Board: County Commissioners nominate board members for Governor to appoint; fifth member appointed by these four or Bureau of Indian Affairs	State of Montana removed from administering state-based water rights of 23,000 non-Indians; Politically appointed board, Dual system adopted for every other compact in Montana regardless of land ownership pattern and demographics. PL 280 prohibits Tribal jurisdiction over non-Indian private lands and resources

Comparison of 2013 and 2015 CSKT Compact

Off reservation water rights, "access right" transformed into water right with time immemorial priority date	Millions of acre feet of water in Kootenai, Clark Fork, Swan and other rivers	Millions of acre feet of water in Kootenai, Clark Fork, Swan and other rivers	Time immemorial priority date inconsistent with "in common with the citizens of Montana"
Compact Component	2013	2015	Notes
Flathead Lake on and off reservation up to elevation of 2883	All of Flathead Lake, Time immemorial priority date up to elevation of 2883	All of Flathead Lake, Time immemorial priority date up to elevation of 2893	2015 addition of upper 10 feet of Flathead Lake
Interim on-reservation instream flow	Increase 400%	Increase 400%	WPIC technical work group found that increases in instream flow not based on fisheries science
Abstracts of Water Right	Water rights in name of United States in trust for CSKT; Amount of water shown for each claim, including instream flow	Water rights in name of United States in trust for CSKT; Amount of water removed for irrigation claims; Vincent package/Compact commission chart shows "n/a" for volume of water for instream flow	Cannot determine the precise amount of water given to irrigation because volume of water has been removed; Instream flow volume not tallied
Kerr Dam power provisions	Not included	Included: low cost block of power; shared net power revenue	Circumvents FERC proceedings currently underway; circumvents Tribal due process. Low cost block of power a permanent feature of Kerr Dam, currently available to irrigators; net power revenue currently belongs to irrigation project but is being spent by Tribes on non-irrigation uses
Stock Water	No discussion	Reduction of stock water by incorporating it into on farm per acre delivery; removing October-May stock water uses; replacing stock water with wells to be drilled	Livestock will be deprived of water, reduction in stock water canal use will impact shallow wells; construction of new wells will impact overall ground water levels
State Financial Contribution	\$55 million	\$55 million; \$13 million to tribes now; \$8 million to DNRC for grant to Tribes now; remainder by subsequent legislatures	No financial accounting or transparency; no strings on tribal expenditure; no list of projects

Clarice Ryan

Subject:

Testimony 4-11 water compact SB 262

COMMENTS ON: SB 262 CSKT Water Compact, House Judiciary Hearing, Helena, April 11, 10:00 a.m.

I have been collecting numerous lists ranging from 10 to 20 key reasons why this compact should not go through. All provide a wide range of very sound reasons for opposing this complicated and threatening piece of legislation.

Following are six points which I feel of Key Importance:

1. Where are the federally mandated EIS and EA (economic impact statement and environmental analysis) of such magnitude and significance impacting citizens both on and off reservation? Comprehensive studies are essential to policy making, rules and regulations to achieve consistency. For example: providing secure property rights; protecting land uses and property values; assuring taxable incomes essential for an adequate tax base. This compact basically puts the tribes in control of growth, water allocations and resulting land values, thus determining the economy of northwest Montana.
2. The compact basically limits water uses to irrigation and livestock. Meanwhile large corporations are entering new highly profitable water markets with shipments to deprived countries such as china and even deliveries to drought stricken regions in America. Corporations such as Nestle, are generating monopolistic profits from water bottling plants which are drawing down and depleting springs, streams and lakes including the Great Lakes (the largest body of fresh water in the world). Meanwhile, what protects the monetary interests of Montanans? Had economic and environmental studies been done, they would have identified and addressed market potentials, impacts on our natural resources, economic interests, and way of life.
3. Is it really wise to pass a basically unchangeable, "Forever" document in light of the current fast moving and changing world? It blocks input by citizens forever, while leaving any possibility of making needed changes to agreement by three governments: state federal and tribal. The feds and tribes being basically the same, this likely leaves the tribes having their own way.
4. The compact has been based on what existed and was agreed upon in 1855, 1908, 1934 and numerous other dates of treaties and legislated agreements. Must we be locked into

the conditions and historic life-styles of the past such as assuring sustenance through fishing, hunting and berry picking? Is the term, "time immemorial" in essence foolishly looking backwards for direction? The 1934 Indian Reorganization Act was supposed to have wiped out all past legislation and provided a fresh, updated, unencumbered government.

5. Do we truly value and abide by our rule of law and our State and Federal Constitutions? This compact leads us into an entirely different form of government. We must be concerned about turning our citizens and their water over to a non-elected 5-member committee operating under tribal government control. This relinquishment of state authority allows over-reaching tribal council rule extending off-reservation. "Top down" control is already being inflicted over approximately 28,000 Montana citizens (both tribal and non-member) living on the reservation. Claiming sovereignty the tribes operate tax-free under federal direction, funding and control. They intend to reclaim historic lands, management of all water and ownership of Kerr dam. With water and land value closely linked this becomes a massive land grab.

6. This compact unconstitutionally lays claim to ALL THE WATER in 11 counties from Canadian border to Butte; Continental Divide to the western border, populated by some 350,000 people. Why is this amount of water deemed necessary to meet the needs and survival of only 3000 to 4000 people of Indian descent living on the Reservation, and even including those living off-reservation but claiming tribal membership? It makes no sense. We need an "official definition" of what constitutes a "reservation" in order to properly provide the missing quantification of water to serve the purpose.

We simply cannot afford to allow this incomplete, narrowly focused, deliberately confusing compact to go through. Even those involved in preparing it, as well as legislators reviewing it, have admitted it is not perfect. We cannot allow ourselves to be chained under duress and forever subjugated by a document already cast in stone.

A legislative NO vote in opposition is imperative to protect Montana and its citizens now and in the future.

Clarice Ryan

253 Pine Needle Lane

Bigfork, MT 59911

406-837-6929

Subject:

Activists "Shut Down" Nestle Bottling Plant (Economic + Environmental implications)

Saturday, March 28, 2015

Activists 'Shut Down' Nestlé Water Bottling Plant in Sacramento

by Dan Bacher - Censored News

Environmental and human rights activists, holding plastic "torches" and "pitchforks," formed human barricades at both entrances to the Nestlé Waters bottling plant in Sacramento at 5:00 a.m. on Friday March 20, effectively shutting down the company's operations for the day.

Members of the "Crunch Nestlé Alliance" shouted out a number of chants, including "'We got to fight for our right to water,'" "Nestlé, Stop It, Water Not For Profit," and "Agua Para Quien? Para Nuestra Gente!" The protesters stayed until about 1 pm, but there were no arrests.

Representatives of the alliance said the company is draining up to 80 million gallons of water a year from Sacramento aquifers during a record drought. They claim Sacramento City Hall has made it possible through a "corporate welfare giveaway."

"This corporate welfare giveaway is an outrage and warrants a major investigation," Coalition spokesperson Andy Conn said. "For more than five months we have requested data on Nestlé water use. City Hall has not complied with our request, or given any indication that it will. Sacramentans deserve to know how their money is being spent and what they're getting for it. In this case, they're getting ripped off."

Lola Ellis of 99 Rise Sacramento, who spoke on the bullhorn at the protest, said, "Nestlé's bottling of water in Sacramento is unsustainable in the current state of drought. We really don't know how much water they are taking from the aquifer and that is a scary thing."

"The water needs to be used for the local community. If there is not enough water for the local community, the Nestlé corporation should not be making a profit," she emphasized. The coalition protested what they call Nestlé's "virtually unlimited use of water" while Sacramentans (like other Californians) who use a mere 7 to 10 percent of total water used in the State of California, have had severe restrictions and limitations forced upon them.

The coalition is calling on Nestlé to pay rates commensurate with its enormous profit, or voluntarily close down.

"Nestlé pays only 65 cents for each 470 gallons it pumps out of the ground – the same rate as an average residential water user. But the company can turn the area's water around, and sell it back to Sacramento at mammoth profit," according to a news release from the activists.

They said Sacramento officials have refused attempts to obtain details of Nestlé's water use. Coalition members have addressed the Sacramento City Council and requested that Nestlé either pay a commercial rate under a two tier level, or pay a tax on its profit.

A call to the Sacramento City Department Utilities about the details of Nestlé's water use hadn't been returned as of press time. But according to Fox 40 News, "In 2014 Nestlé says it used 50 million gallons from the Sacramento Municipal Water Supply, which they say is a fraction of one percent of total water demand within the city of Sacramento."

"Nestle can claim any amount of water they want, but we haven't seen any documentation of the amount of water they're using," said Bob Saunders, also with the Crunch Nestlé Alliance. "We do know they're allowed to take up to 80 million gallons per year."

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(<http://www.desertsun.com/story/news/2015/03/05/bottling-water-california-drought/24389417/>)

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§In front of the plant

by Dan Bacher Friday Mar 27th, 2015 4:01 PM



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BECAUSE THERE IS A WAR ON FOR YOUR MIND

OBAMA ALLOWS GREAT LAKES WATER TO BE SOLD TO CHINA AS HALF THE U.S. FACES EXTREME WATER CRISIS

Michael Snyder

American Dream

December 17, 2013

What in the world is Barack Obama thinking? At a time when the United States is facing the greatest water crisis that it has ever known, Obama is allowing water from the Great Lakes to be drained, bottled and shipped to China and other countries around the globe.

Right now, the Great Lakes hold approximately 21 percent of the total supply of fresh water in the entire world. Considering the fact that global water supplies are becoming extremely tight, that is an invaluable resource. One recent UN report projected that two-thirds of the people in the world will be dealing with "water stress" and 1.8 billion people will be facing "absolute water scarcity" by the year 2025. So why are we allowing foreign corporations such as Nestle



Image: Lake Superior, Minnesota (Wikimedia Commons).

to make millions upon millions of dollars pumping water out of the Great Lakes and selling it overseas? Considering the massive worldwide water crisis that we know is coming in the years ahead, shouldn't we be doing everything that we can to protect this precious natural resource?

Most Americans don't realize this, but earlier this year water levels in Lake Huron and Lake Michigan were at their lowest levels **ever recorded**. The following is from a recent article by Suzanne Eovaldi...

"Nestlé pays only 65 cents for each 470 gallons it pumps out of the ground – the same rate as an average residential water user. But the company can turn the area's water around, and sell it back to Sacramento at mammoth profit," according to a news release from the activists.

They said Sacramento officials have refused attempts to obtain details of Nestlé's water use. Coalition members have addressed the Sacramento City Council and requested that Nestlé either pay a commercial rate under a two tier level, or pay a tax on its profit.

A call to the Sacramento City Department Utilities about the details of Nestlé's water use hadn't been returned as of press time.

But according to Fox 40 News, "In 2014 Nestlé says it used 50 million gallons from the Sacramento Municipal Water Supply, which they say is a fraction of one percent of total water demand within the city of Sacramento."

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For example, according to a Reuters article from just a few weeks ago, the state of California is currently experiencing the driest year **ever recorded**...

To nurture his acres of pistachio trees, Tom Coleman has long relied on water from California's mountain-ringed reservoirs, fed by Sierra streams and water pumped from the massive Sacramento-San Joaquin Delta. *Delta is small*

But the driest year on record has left the reservoirs so depleted – and the delta so fragile – that state water officials say they may be able to provide just 5 percent of the water he and others were expecting for next year.

This water shortage is causing massive problems all over the state. Just check out how a recent Fresno Bee article described what is happening to Pine Flat Reservoir...

Pine Flat Reservoir is a ghost of a lake in the Fresno County foothills – a puddle in a 326 billion-gallon gorge.

Holding only 16% of its capacity, Pine Flat is the best example of why there is high anxiety over the approaching wet season.

Gone is the healthy water storage that floated California through two dry years. Major reservoirs around the state need gully-washing storms this winter.

And further east, similar things are happening. Lake Powell is fed by the once mighty Colorado River, and at this point the flow of water into the lake has been reduced to a "trickle"...

After 14 years of drought, Lake Powell is less than half full.

Water flows into Lake Powell, nestled between Utah and Arizona, from high in the Rocky Mountains via the Colorado River. More than 30 million people in seven states depend on the mighty Colorado for water to grow crops, fuel power plants and keep cities such as Las Vegas alive. But this year, the worst drought in a century has slowed the flow to a trickle.

In August, the federal Bureau of Reclamation cut, by 9 percent, the amount of water people in the southwestern United States could draw from Lake Powell. As states and counties squabble over their allotment of water in the coming years, hydroelectric plants (including the one on the Hoover Dam) could idle, and farmers are bracing for reduced crop production.

And most Americans do not realize this, but the Colorado River does not run all the way to the ocean any longer. If something is not done soon, even the Hoover Dam could be forced to shut down. For much more on this, please see this article.

Just recently, the Huffington Post ran an article entitled "These 11 Cities May Completely Run Out Of Water Sooner Than You Think". According to that piece, some of the cities that are heading for a massive water crisis are not cities that you would normally think of...

- Salt Lake City, Utah
- Lincoln, Nebraska
- Cleveland, Ohio
- Miami, Florida
- Atlanta, Georgia
- Washington, D.C.

- El Paso, Texas
- San Antonio, Texas
- San Francisco Bay Area, California
- Houston, Texas
- Los Angeles, California

But those cities are far from alone. The truth is that pretty much the entire western half of the country is drying up. the following list of 15 facts about the coming water crisis is from one of my previous articles entitled "Dust Bowl Conditions Are Literally Returning To The Western Half Of The United States"...

1. The Ogallala Aquifer is being drained at a rate of approximately 800 gallons per minute.
2. According to the U.S. Geological Survey, "a volume equivalent to two-thirds of the water in Lake Erie" has been permanently drained from the Ogallala Aquifer since 1940.
3. Decades ago, the Ogallala Aquifer had an average depth of approximately 240 feet but today the average depth is just 80 feet. In some areas of Texas, the water is gone completely.
4. Scientists are warning that nothing can be done to stop the depletion of the Ogallala Aquifer. The ominous words of David Brauer of the Ogallala Research Service should alarm us all...

"Our goal now is to engineer a soft landing. That's all we can do."

5. According to a recent National Geographic article, the average depletion rate of the Ogallala Aquifer is picking up speed...

Even more worrisome, the draining of the High Plains water account has picked up speed. The average annual depletion rate between 2000 and 2007 was more than twice that during the previous fifty years. The depletion is most severe in the southern portion of the aquifer, especially in Texas, where the water table beneath sizeable areas has dropped 100-150 feet; in smaller pockets, it has dropped more than 150 feet.

6. According to the U.S. National Academy of Sciences, the U.S. interior west is now the driest that it has been in 500 years.
7. Wildfires have burned millions of acres of vegetation in the central part of the United States in recent years. For example, wildfires burned an astounding 3.6 million acres in the state of Texas alone during 2011. This helps set the stage for huge dust storms in the future.
8. Unfortunately, scientists tell us that it would be normal for extremely dry conditions to persist in parts of western North America for decades. The following is from an article in the Vancouver Sun...

But University of Regina paleoclimatologist Jeannine-Marie St. Jacques says that decade-long drought is nowhere near as bad as it can get.

St. Jacques and her colleagues have been studying tree ring data and, at the American Association for the Advancement of Science conference in Vancouver over the weekend, she explained the reality of droughts.

"What we're seeing in the climate records is these megadroughts, and they don't last a decade—they last 20 years, 30 years, maybe 60 years, and they'll be semi-continental in expanse," she told the Regina Leader-Post by phone from Vancouver.

"So it's like what we saw in the Dirty Thirties, but imagine the Dirty Thirties going on for 30 years. That's what scares those of us who are in the community studying this data pool."

9. Experts tell us that U.S. water bills are likely to soar in the coming years. It is being projected that repairing and expanding our decaying drinking water infrastructure will cost more than one trillion dollars over the next 25 years, and as a result our water bills will likely approximately triple over that time period.
10. Right now, the United States uses approximately 148 trillion gallons of fresh water a year, and there is no way that is sustainable in the long run.
11. According to a U.S. government report, 36 states are already facing water shortages or will be facing water shortages within the next few years.
12. Lake Mead supplies about 85 percent of the water to Las Vegas, and since 1998 the level of water in Lake Mead has dropped by about 5.6 trillion gallons.
13. It has been estimated that the state of California only has a 20 year supply of fresh water left.
14. It has been estimated that the state of New Mexico only has a 10 year supply of fresh water left.
15. Approximately 40 percent of all rivers in the United States and approximately 46 percent of all lakes in the United States have become so polluted that they are no longer fit for human use.

Are you starting to get the picture?

If things don't turn around soon, we are going to be facing an absolutely crippling water crisis in this country.

And according to recent forecasts, it appears that drought conditions may soon get even worse in the Southeast and the Southwest...

Ongoing winter storms won't be doing much to relieve some drought-stricken areas of the U.S. In fact, conditions could get worse in the Southwest and Southeast, according to the National Oceanic and Atmosphere Administration.

NOAA last week forecast below-average precipitation for those regions this winter, meaning that "after some relief during the past few months," the Southwest's three-year drought is likely to redevelop and spread to the Southeast.

Sadly, most Americans are not aware of any of these things.

They just assume that there will always be plenty of fresh water for all of us to use just like there always has been.

But times are changing rapidly.

"Two of the Great Lakes have reached their lowest water levels EVER RECORDED," the US Army Corps of Engineers reported early this month. Corps measurements taken in January of 2013 "show Lake Huron and Lake Michigan at levels not seen since the 1910s, a situation that began in 1918." The chief watershed hydrologist expert was quoted as saying, "The situation is dire."

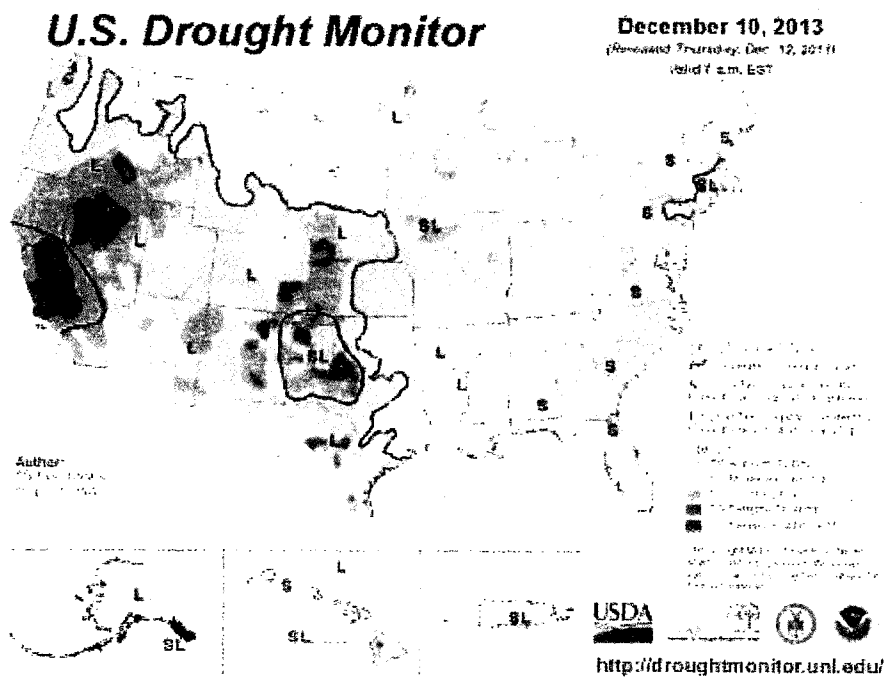
So what is causing all of this? The answer is simple. The Great Lakes is lost by evaporation. But the fact that water is being steadily pumped out of the Great Lakes and sold overseas is certainly not helping matters... **Find Out More** >>>

"Plunging water levels are beyond anyone's control," says another expert, James Weakley. But in one of our most popular posts, last year we warned, "Lake Michigan water is being shipped by boat loads over to China! By using a little known loophole in the 2006 Great Lakes Compact, Obama minions are allowing Nestle Company to export precious fresh water out of Lake Michigan to the tune of an estimated \$500,000 to \$1.8 million per day profit."

For even more on this, please check out the episode of "Conspiracy Theory" with Jesse Ventura that I have posted below...

All of this is happening at a time when the U.S. is getting ready to deal with the greatest water crisis this nation has ever known.

Please share this article with as many people as you can.



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As Long as the Water Shall Flow Bringing Water to Tribal Homelands

By Jeanette Wolfley

Water is beautiful. Water is sacred. Water is life.

That is what we are taught. That is what we believe. And so the tribal traditions persist, and knowledge systems thrive in tribal communities. Water has enabled tribes to survive for thousands of years. Indeed, the reverence for water and its blessings continue to support and shape the tribal political, social, economic, and cultural climate in Indian communities throughout the United States. Today, water remains vital for tribal self-sufficiency, economic development, and providing security for present and future generations.

The current federal policy era, known as Indian self-determination,¹ has also promoted revitalization for tribal communities and people and has enabled tribes to reclaim and develop governance strategies to make decisions to control lands, natural resources, and economic growth and to determine their future on their own terms. This energy has spurred Indian tribes to seek preservation and protection of a critical, valuable natural resource: water. Federal statutes and policies encourage the protection and preservation of tribal lands, including all its natural and cultural attributes, guaranteed by treaties, executive orders, and statutes. And in this era of self-determination, tribal governments have assumed the lead role in protection of water quality, securing water for lands, preserving fishery and wildlife habitats, and participating in the development of hydropower facilities and their relicensing. Indeed, a whole host of fundamental water issues face tribes in addition to the pressing issues of climate change, species and biodiversity conservation, pollution control, use of natural resources, individual property rights, and land use, to name a few.

The fundamental exercise of sovereignty by tribal governments includes not only power to allocate water and manage water systems but also the responsibility to establish a governmental infrastructure and institutions that provide for sound decision-making. Accordingly, critical component of water endeavors are tribal institutional-building; enacting and implementing tribal laws and regulations; creating tribal boards, commissions, and administrative agencies; establishing water polices and strategies; and general good governance. This article reviews the tribal efforts to preserve and protect water for their communities and build the necessary institutions to fully implement and utilize water for their future. It also raises issues that still must be addressed to fully bring water to tribal communities and provide economic development.

Water Adjudications and Settlements

"Absolute undisturbed use and occupation" and "permanent home" are common phrases expressed in Indian treaties and agreements entered into with the United States more than 100 years ago. In some respects, simple expressions. Yet, in the area of Indian water law, these phrases have been utilized by tribes and recognized by courts as the foundation for securing precious water for tribal people and communities throughout the West. Moreover, a priority implicit in Indian land tenure is maintaining a homeland in which both present and future generations of the tribes may live and flourish, because tribal individuals and families reside on secure land bases that have supported and nourished their ancestors for thousands of years past, and that continue to be the core and integral foundation of tribal existence.

Tribes across the country relinquished millions of acres of ancestral land in exchange for assurances of a retained, permanent homeland of smaller size in which they would remain free from federal and state interference and the intrusions of non-Indian settlers. These promises are memorialized in the various treaties executed by tribal leaders and federal agents and confirmed by the U.S. Senate. Indeed, for people with close physical and spiritual connections to the water and earth, preserving the new reservation land bases was essential to preserving tribal cultures. In many respects, the promise of tribal sovereignty has survived only because of the measured separatism² made possible by the retained tribal land base.

Importantly, treaty promises have not been expressly repealed or amended. Today, these treaty provisions are the beginning point for modern federal Indian law and policy in the area of water law. To tribes,

the primary task always has been not just to survive but to build a viable homeland for their people. The original promise of separatism set forth in the treaties and agreements has faced challenges and bumps in the road by settlers encroaching on tribal lands, breach of treaty provisions by the federal government, changes in society, the inconsistent federal Indian policies adversely impacting Indian people and lands, and hostile judicial decisions. Still, tribes remain resilient and seek to ensure that water is available for their homelands, for their people.

In 1908, the U.S. Supreme Court in an early Indian water rights case, confirmed the 19th-century treaty promises of a viable tribal homeland. In *Winters v. United States*,³ the Court established what is known as the *Winters* doctrine, which is relied upon by most tribes seeking to secure water rights in general stream adjudications pending in state courts in virtually every western state. The now-landmark case of *Winters v. United States*, involving the Milk River along the Fort Belknap Indian Reservation in northern Montana, simply states that when the federal government established a reservation, the government implicitly reserved a quantity of water necessary to fulfill the purposes of the reservation. Accordingly, when the United States sets aside lands as Indian reservations, it reserves water to provide a home for the Indian tribes residing on those lands. Additionally, the priority of the *Winters* rights dates back to the establishment of the reservation.

There are also other categories of Indian water rights: aboriginal⁴, Pueblo⁵, and rights acquired under state law, which can be used in various combinations in presenting an Indian reservation's water rights claims.

Reservation purposes are implied after an examination of the original documents establishing an Indian reservation. Generally, all treaties, agreements, or executive orders imply, if not explicitly recite, that the reservation was established to become the "permanent home" for the said Indian tribe. Other reservations were established with the broad intent that the Indians become "pastoral and civilized people" (e.g., nomads to agriculturalists). Thus, all Indian reservations necessarily imply that the tribe reserved water for the broad purpose of developing a permanent homeland. These broad purposes entitle a tribe to sufficient water for agricultural, livestock, domestic, cultural, recreational, and other future uses.

In *Winters*, the United States brought suit on behalf of the Gros Ventre and Assiniboiné Indians of the Fort Belknap Reservation in northern Montana to halt upstream diversions by non-Indians who had been using waters from the Milk River since 1900. The center line of the Milk River formed the northern boundary of the reservation, and the residents of the reservation used the water primarily for agricultural irrigation. Non-Indian diverters built dams and canals on the Milk River upstream from the reservation and "deprived the United States and the Indians of the use [of the water]."⁶ The non-Indian diverters claimed that they were prior appropriators of the water and were therefore entitled to the right to divert the Milk River.

The Supreme Court found that the language of the Act of May 1, 1888,⁷ (1888 Act), which created the Fort Belknap Reservation, was decisive. That Act ratified the Gros Ventre and Assiniboiné cession of "a very much larger tract which the Indian had the right to occupy and use, and which was adequate for the baits and wants of the nomadic and uncivilized people."⁸ In exchange for their cession, the Gros Ventre and Assiniboiné tribes agreed to remain within the confines of the Fort Belknap Reservation, undisturbed by non-Indians. The tribes also agreed to give up their hunting and gathering lifestyle "and to become a pastoral and civilized people."⁹

The treaty did not mention water rights. However, the arid land that became the Fort Belknap Reservation could not support such a pastoral lifestyle without irrigation from the Milk River. Accordingly, the Court held that the Indians could not have ceded their rights to water for use on the reservation under the 1888 Act, contrary to the arguments of the non-Indian diverters. The Court rhetorically stated:

The Indians had command of the lands and the waters—command of all their beneficial uses, whether kept for hunting, “and grazing roving herd of stock,” or turned to agriculture and the arts of civilization. Did they give up all this? Did they reduce the area of their occupation and give up the waters which made it valuable or adequate? And, even regarding the allegation of the Answer as true, that there was springs and streams on the reservation flowing about 2,900 inches of water, the inquiries are pertinent. If it were possible to believe affirmative answers, we might also believe that the Indians were awed by the power of the government or deceived by its negotiations. Neither view is possible. The government is asserting the rights of the Indians.¹⁰

The Supreme Court recognized that treaty-reserved water rights encompass those rights that the tribes did not relinquish in their cessions of territory to the United States. The non-Indian diverters did not, as a result, have prior appropriative rights to divert the Milk River upstream from the reservation, since the Gros Ventre and Assiniboiné tribes never ceded the Milk River’s waters.¹¹ Instead, the tribes had senior paramount water rights at least as early as the establishment of the Fort Belknap Reservation. The tribal water rights are superior to most non-Indian water appropriators because the creation of Indian reservations predate the majority of non-Indian property rights and use of water.

Despite this 1908 landmark decision, the reserved water rights lay dormant, as the tribes nor the United States on behalf of tribes asserted their senior water rights in rivers or streams. Instead water was diverted for federal irrigation and reservoir projects by the federal government, farmers used and appropriated water, and booming municipalities and urban areas over-appropriated water systems. In the absence of quantification, non-Indians have been using Indians’ water for many decades.

Presently, relying upon the *Winters* doctrine, Indian tribes in state river-basin adjudications face daunting challenges as they struggle to protect and preserve their water rights for their communities and peoples. Nearly all Indian water rights disputes begin in the context of river adjudications or litigation. Entering into negotiations or litigating the tribal water rights and securing a water settlement is not a simple process under the best of circumstances—and rarely are best circumstances pervasive when so many competing interests are coveting the precious resource: water. Yet, tribes have successfully crafted creative solutions in settlements with the federal and state governments whereby the tribal strategies respect and reinforce their own cultural values based upon their traditions.

From 1978 through 2013, Congress enacted 30 Indian water settlement acts into law, which were successfully negotiated among tribes, states, and federal government. Numerous other water settlements have been concluded without congressional approval, e.g., the Confederated Tribes of the Warm Springs Reservation in the state of Oregon and the Assiniboiné and Sioux tribes of the Fort

Peck Reservation in Montana.¹² Importantly, settlements are much more than just a water settlement; they are major government-to-government agreements involving the sovereignty of tribes, and the settlements decide issues of control of water for the future for tribes.

At the heart of every negotiated tribal water settlement act is a quantification of the tribal right to water. In nearly all settlements, tribes are required to relinquish their right to future claims to reserved water rights forever, and their water claims against the United States. These are major concessions tribes make in settlements. In exchange, the tribes bargain for and receive guarantees of direct funding as part of the deal from the United States and states in developing their water resources; receive long-overdue water supplies; may negotiate for funds to develop their water for other purposes; and are permitted to market their water to non-Indians off reservation, allowing tribes to gain economic benefits from their water resources.

Tribes in negotiated settlements also receive the promise of “wet” water. Most settlement agreements become the subject of federal legislation, with an act authorizing appropriations for water development or management projects, or more generally for economic development purposes. Tribes with litigated “paper” rights to water face enormous obstacles in getting that water into use, but tribes with negotiated rights should have a stronger, more definite guarantee of federal financial assistance to bring water to Indian lands. Unfortunately, the reliance on Congress to allocate federal funds to carry out the provisions of the settlement and the piecemeal approach to funding has resulted in long delays for assistance despite tribes signing agreements. The settlement process is also vulnerable to budget cuts. The federal government must provide long-term, stable funding for water settlements to expedite and fully implement the negotiated agreements. Also, all too often, the United States has agreed to major water delivery projects to serve non-Indian users at the expense of settling senior Indian claims. Finally, the United States’ trust responsibility to fully secure water to tribal communities must not end when the negotiated agreement is signed; there must be a continued federal commitment and action taken to fully implement the agreement provisions.

As part of this settlement process, in addition to reserving water, tribes are able to secure funding; economic development; restoration of wetlands; technical assistance; fishing habitats; new water delivery systems; and leasing of their water to federal, state, and regional entities to meet their particular water needs. Water banking and water marketing by tribes through leases with downstream junior water users, such as cities, power companies, states, and federal agencies, provide an opportunity to raise revenues for tribal governmental services and projects. Under the prior appropriation water system in the West, the impacts of increasing water scarcity fall most heavily on junior water users, because senior water users—those with an early priority date, such as tribes—have the first right to use the scarce water supplies. Accordingly, junior water users have incentives to buy or rent more senior water rights. A well-functioning water market established to support the transfer of senior tribal water rights would reduce such pressures and the impacts of climate change on junior users. The development of tribal water marketing should be more fully supported by the states and federal governments in tribal water settlement negotiations.

Not all tribes need a water settlement or are in the process of settling to provide for water leasing and economic development. Under the current federal law, however, there are restrictions

on tribal water leasing unless agreed to in a water settlement or approved by Congress. There needs to be a change in the federal law. A solution is the enactment of a federal law, such as the Helping Expedite and Advance Responsible Tribal Ownership (HEARTH) Act¹³, to ensure that tribes may lease water and provide certainty to junior water users, and a reallocation of water in the prior appropriation system. The HEARTH Act permits tribes to opt out of the Department of Interior secretarial approval requirement when seeking to lease their lands by promulgating their own leasing regulations, although the Secretary of Interior must still approve the tribal leasing regulations.¹⁴ Such an act or amendments are consistent with the ongoing efforts to modernize federal laws governing management of Indian trust lands. Water transfers could be accomplished through a tribal lease without approval of the secretary of Interior. Such federal legislation should be seriously explored for the benefit of tribes and junior water users.

Negotiation or litigation of tribal water rights can be expensive and time-consuming and can produce complications in their implementation. Each tribe must determine—based on its cultural traditions, economic conditions, competing demand for water, and climate, to name a few factors—whether it is in the best interest of the tribe to negotiate or litigate its reserved water rights. And each will rely upon the solemn promises made by the United States to tribes in treaties to provide a permanent livable homeland.

Tribal Regulation of Activities Affecting Reservation Water Quality

In addition to tribes quantifying their water rights, many tribes are securing clean water for their community residents. There are surface water streams, creeks, rivers, springs, and water resources that flow through or originate on reservation. When these water resources flow onto and through the reservation, a tribe has a para-

At the heart of every negotiated tribal water settlement act is a quantification of the tribal right to water. In nearly all settlements, tribes are required to relinquish their right to future claims to reserved water rights forever and their water claims against the United States.

Several tribes have chosen to litigate their reserved water rights in exhaustive and uncertain state river adjudications rather than seek settlement negotiations. Some argue that state court adjudication of *Winters* rights provides locally elected state judges with the opportunity to decide federal water rights issues, which may not be in the best interest of tribes. Certainly, the case of *In re General Adjudication of All Rights to Use Water in Big Horn River System*¹⁵ is an example of a case adversely affecting the Shoshone and Arapaho tribes of the Wind River Reservation—a case in which the two tribes and the United States on their behalf litigated their reserved water rights in the Wyoming state courts. For instance, the Wyoming Supreme Court held that, under the practicably irrigable acreage standard to quantify reserved water rights, it could not be applied to water purposes other than irrigation, such as to preserve instream flows for fishery preservation; refused to apply the *Winters* doctrine to groundwater; and required the tribes to seek state permission to alter the use of their water.¹⁶ The case is ongoing.

In sharp contrast to the Wyoming Big Horn River case, in the case of *In re General Adjudication of All Rights to Water in the Gila River Sys. & Source*,¹⁷ several tribes litigated their reserved rights to water in the Arizona state courts. The Arizona Supreme Court accepted most of the tribes' arguments relating to reserved water rights. It held that *Winters* applied to both surface and groundwater. The Arizona Court rejected the use of the practicably irrigable acreage standard (limiting the reservation's purpose to agriculture) to quantify the tribes' water rights. Instead, the state court utilized a homelands standard, considering myriad factors, such as tribal history, culture, geography, topography, natural resources, economic development, and past water use.

mount interest in managing, regulating, and setting standards for all sources of pollution to the water bodies. Notably, a water system is a unitary resource, and, therefore, the actions of one user (Indian or non-Indian) affect other users in the system. Accordingly, polluting activities of non-Indians upstream from a reservation, adjacent to the reservation, and on fee lands within the reservation impact the cultural and ceremonial beliefs, health, and welfare of tribal members and residents of the reservation.

Tribal governments are directly responsible and accountable for the health and welfare of their people and reservation residents and are in the best position to meet their people's needs and community interests. One of the basic governmental services performed by tribes is providing clean water and sewer systems to their communities. Accordingly, tribes are in the process of defining their tribal authority by planning and developing the basic frameworks and institutions for protecting and preserving water quality and managing solid waste contamination and pollution caused by industrial society. Regulating polluting activities and other threats to lands, waters, and vital cultural resources is imperative for tribes to continue their way of life and maintain a homeland on which present and future generations of the tribe may flourish.

It is well-established that Indian tribes are sovereign entities "possessing attributes of sovereignty over both their members and territory,"¹⁸ and that "tribal sovereignty is dependent on, and subordinate to, only the Federal government, not the States."¹⁹ "Perhaps the most basic principle of all Indian law is the principle that those powers which are lawfully vested in an Indian tribe are not, in general, delegated powers granted by express acts of Congress, but rather, inherent powers of a limited sovereignty which has never been extinguished."²⁰

In *United States v. Wheeler* the Supreme Court stated,

The sovereignty that Indian tribes retain is of a unique and limited character. It exists only at the sufferance of Congress and is subject to complete defeasance. But until Congress acts, the tribes retain their existing sovereign powers. In sum, Indian tribes still possess those aspects of sovereignty not withdrawn by treaty or statute, or by implication as a result of their independent status.²¹

The common message enunciated by these cases is that Indian tribes have retained inherent sovereign powers over both their members and their territory, unless there exists specific legislation to the contrary or divestiture by implication. Indian tribes also retain the inherent sovereign authority to exercise "some forms of civil [regulatory] jurisdiction over non-Indians on their reservations."²¹

In the area of water quality regulation, Congress in 1987 amended the Clean Water Act²² to provide for tribes to assume control over water resources within the reservation, similar to the delegation provided to states for state lands. The Environmental Protection Agency (EPA) is the primary agency to review and approve a tribe's authority to regulate water quality and has determined that the standard of inherent tribal authority over non-Indians requires a tribe to show that potential impacts of regulated activities are serious and substantial. In addition, a tribe must demonstrate that the reservation waters are used by the tribes or its tribal members and that the waters and important habitats are subject to protection under the Clean Water Act. Once a tribe makes this initial showing of treatment as a state (TAS), the EPA will presume the tribe has adequately demonstrated jurisdiction over fee lands unless an appropriate governmental entity submits comments showing a lack of tribal jurisdiction.²³

The federal appellate courts have consistently upheld and affirmed EPA's approval of tribal applications to establish water quality standards and programs under the Clean Water Act. In *City of Albuquerque v. Browner*,²⁴ the U.S. Court of Appeals for the Tenth Circuit rejected the city of Albuquerque's challenge to the EPA's approval of water quality standards set by the Pueblo of Isleta, located downstream from the city. The heart of the issue focused on the differing state and tribal water quality standards for the Rio Grande River, which flows through the city and then the Pueblo. The Tenth Circuit held that Congress authorized tribes to establish tribal water quality standards under the Clean Water Act, even where the tribal water-quality standards were stricter than the federal standards. The Pueblo's water quality standards were upheld, and the first such tribal standards were approved by the EPA.

Also in 1996, in *Montana v. EPA*,²⁵ the state of Montana and other local communities filed a lawsuit against the EPA challenging the EPA's approval of the Confederated Salish and Kootenai tribes' TAS application to administer a water quality program under § 303 of the Clean Water Act for all lands and surface water within the Flathead Reservation. In the case, the state of Montana, along with other municipalities whose wastewater treatment facilities discharged into reservation water, unsuccessfully contested the tribes'

inherent civil regulatory authority over lands owned by non-Indians. The court agreed with EPA's analysis of inherent tribal authority over reservation lands owned in fee by non-Indians, and agreed with EPA's operating rule that requires a tribe to show that "the potential impacts of regulated activities are serious and substantial."²⁶ In the case, the tribes explicitly asserted that water quality impairment by non-Indians would have a serious and substantial effect on the health and welfare of the tribes, and EPA "found the Tribes possessed inherent authority to set water quality standards for all surface waters within the Reservation."²⁷ The U.S. Court of Appeals for the Ninth Circuit upheld the grant of TAS to the tribes.²⁸

In 2001, the U.S. Court of Appeals for the Seventh Circuit, in *Wisconsin v. United States Environmental Protection Agency*,²⁹ affirmed the EPA's approval of a tribe's TAS application for purposes of establishing tribal water quality standards for all bodies of water within the Mole Lake Reservation and rejected the state of Wisconsin's challenge to EPA's action. The tribe sought to protect subsistence and ceremonial activities and the economic-development harvesting and selling of wild rice. In bringing this case, Wisconsin challenged the tribe's inherent authority to regulate water quality on the reservation. In reaching this conclusion, the court stated that "once a tribe has shown that impairment of the waters on the reservation would have a serious and substantial effect on the health and welfare of the tribe, the EPA presumes that there has been an adequate showing of inherent authority."³⁰ The court found that since "the Band has demonstrated that its waters are essential to its survival, it was reasonable for EPA, in line with the purposes of the Clean Water Act and the principles of *Montana*, to allow the tribe to regulate water quality on the reservation, even though that power entails some authority over off-reservation activities."³¹ The court upheld the EPA's grant of TAS status to the tribe.

Tribal governments will likely continue to be faced with challenges relating to jurisdiction over non-Indian activities occurring within reservation lands, particularly if there is a mix of Indian- and non-Indian-owned lands creating significant checker-boarding of land ownership. However, the EPA's policies of tribal self-determinations and the willingness to recognize tribes as sovereign nations has greatly contributed to federal judicial decisions upholding tribal environmental authority, particularly with regard to water. Tribal governments are setting water quality standards to protect myriad water uses, including drinking water, commercial and municipal uses, and vital cultural and ceremonial uses occurring on reservation.

Tribal Governance Building

As tribal governments pursue preservation of their reserved water rights and protection of water quality, the development of tribal environmental programs and water departments are essential governmental foundations. And once tribes develop standards, they must have the capacity to enforce the standards. Tribal water institutions also create avenues for the public and local communities to participate in policy-making and establish mechanisms for consultation with the community.

Certainly, providing for a tribal community's future is no small task. Institutional building requires the implementation of the laws and regulations, setting standards and review of issues by tribal environmental boards, in a manner that recognizes the interest of its citizenry and, in the case of tribal governments, tribal members and nonmembers residing on the reservation. Good governance requires the set of laws

governing the actions of individuals to be maintained through an impartial and effective legal system. "Good governance also informs the community, educates its citizens, builds public trust, and seeks to improve both the citizens' and community's quality of life. Responsive government also includes the capacity to comprehend and respond to the individual community member's needs and priorities and to mediate conflicts with the community through an established process."³²

Tribal water and environmental program decisions affect the entire social, cultural, and spiritual beliefs, as well as the political fabric, of a community, because such decisions impact tribal members' communal rights to live on, use, harvest, conserve, and transfer lands within the reservation, and the land itself, as a com-

of tribes. However, this does not mean that tribal standards of due process should be disregarded simply because they are not written.

Tribal definitions of due process can be adopted by tribal environmental and water programs and incorporated into their procedures by working with individual community representatives who can assist in the articulation of the due process within the local tribal context. These tribal standards can be used to define comment periods, hold public hearings, gather comments in the community, and generally ensure public participation. Customary law and the articulation of tribal standards, definitions and principles relating to fairness, thoughtful deliberation, honesty, the opportunity to speak before a collective decision is made, respect for each other, and harmony and

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munity. Accordingly, tribal members have a legitimate stake in the decisions affecting the environment and land base, and, indeed, on many reservations individual tribal members may own a majority of the land base as a result of the allotment era.³³

Often, certain individuals—traditional and religious tribal leaders—advocate the importance of cultural integrities to preserve the beauty and stability of the community, to protect the health and welfare of the residents, and to plan for future generations. These voices, comments, and opinions serve an important role in the tribal institutional setting. "Tribal members expect and request their tribal leadership to recognize, as many tribal leaders do, the responsibilities they have to the membership, such as informing the membership of proposed tribal government actions and enabling the membership to voice an opinion in support or in opposition to governmental decision-making impacting their rights, natural resources, welfare, and daily lives."³⁴ Similarly, promotion of local tribal participation is crucial to the credibility and sustainability of tribal reforms in water policy, laws and regulations. "Indeed, the impetus for establishing tribal environmental programs is to clean up contamination, confront ecological degradation, improve the overall quality of life for tribal community members, and preserve the treaty-reserved homelands."³⁵

In addition to developing water quality standards to protect tribal uses and traditions, tribes have opportunities to establish boards and commissions to oversee the regulations of tribal water resources and to develop due process and public participation standards based on tribal traditions.³⁶ Providing due process and meaningful public involvement is a concern of industry and community members in the area of tribal rulemaking, permit application, and administrative hearings and decisions, but it does not mean that tribes need to adopt a cookie-cutter style of non-Indian due process concepts. Tribes have customs and traditions utilized by tribal courts and other dispute resolution processes. Many tribal institutions apply and draw upon customary law to some extent. Applying customary law is not always simple, because the customs are often contained in the oral traditions

balance with the community should be recognized and given due consideration by tribal water programs when they begin to consider and articulate public participation and fair treatment policies.

Conclusion

In conclusion, tribes are in the best position to control the management of water on their reservations, and they can and should play a more prominent role with state and federal policy-makers in the upcoming decades concerning the modifications to water statutes, as water adjudications are carried out, water settlements are negotiated with Indian tribes, and the issuances of new water permits are reviewed. The desire of competing water users for certainty, flexibility, and providing water to junior users in the West cannot be completely met without the participation of tribes through water marketing transfers. To better accomplish this feat, a change in the federal laws is necessary to support a greater role for tribes themselves in the negotiation and approval of tribal water marketing agreements. Funding of Indian water settlements too, once congressional approval is obtained, is vital to implementing the reserved water rights of tribes and providing water to the guaranteed homelands.

Although Indian tribes have unique histories, cultures, and traditions, they share two things: survival and water. Tribes have survived. In our daily prayers, we thank the Creator for all that has been given us and the blessings of water and all its elements. And tribes will continue to survive as long as the water shall flow. ☉



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Endnotes

¹The era of Indian self-determination (1961–present) is a federal government policy of promoting and strengthening tribal governments as self-governing institutions, reducing federal government interference in tribal government affairs, and supporting tribal administration of federal Indian programs.

²Charles Wilkinson describes “measured separatism” in *AMERICAN INDIANS, TIME AND THE LAW*, 18 (1986):

Implicit ... was not only the expectation that each tribe would remain a people, but also the perception that a homeland, separate and distinct from the surrounding white culture, was a requisite element of that survival. ...

The essence of these laws, then, as viewed both by Indian tribes and by the United States, was to limit tribes to significantly smaller domains but also to preserve substantially intact a set of societal conditions and tribal prerogatives that existed then.

³207 U.S. 564 (1908).

⁴Some Indian reservations are in the ancestral homeland of the current tribal members. If an Indian tribe is residing on a reservation that encompasses part of its ancestral homeland, one basis for a water rights claim is aboriginal rights.

⁵Indian reservations in New Mexico can have pueblo water rights, which are recognized as federal rights. The residents of the pueblos had legal water rights recognized by the Spanish and, later, the Mexican governments. Under the terms of the Treaty of Guadalupe Hidalgo, the United States agreed to honor the water rights granted to the Pueblo Indians. In *New Mexico ex rel. State Engineer v. Aamodt*, the federal court ruled Pueblos are entitled to aboriginal water rights based on how many acres each had historically irrigated (historically irrigated acreage, or HIA) at any time between 1846 and 1924. The court also ruled that the Pueblos were entitled to satisfy their rights either from surface water or hydrologically connected groundwater. 618 F.Supp. 993 (D.N.M. 1985). See the *Aamodt* Litigation Settlement Act of 2010, Pub. L. No. 111-291, 124 Stat. 3064 (Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque).

⁶*Winters*, 207 U.S. at 567.

⁷Ch. 213, 25 Stat. 113.

⁸*Winters*, 207 U.S. at 576.

⁹*Id.*

¹⁰*Id.*

¹¹The principal that, in treaties between Indian tribes and the United States, those rights that were not expressly relinquished were reserved for the benefit of the tribe arose three years before *Winters* in an off-reservation fishing-rights case involving Yakama Indians in Washington. In *United States v. Winans*, 198 U.S. 371 (1905), the Court upheld the rights of the Yakama Indians to fish off reservation on the Columbia River by reasoning the Yakama Nation reserved a fishing right by implication when they entered into a treaty with the United States: “[T]he treaty was not a grant of rights to the Indians, but a grant of right[s] from them, a reservation of those not granted.” *Id.* at 381.

¹²For a listing of negotiated water settlements, see *American Indian Water Rights Settlements*, UTTON TRANSBOUNDARY RESOURCES CENTER, available at utttoncenter.unm.edu/pdfs/American_Indian_Water_Right_Settlements.pdf.

¹³Pub. L. 112-151 (2012).

¹⁴See Bryan Newland, *The Hearth Act: Transforming Tribal Development*, *THE FEDERAL LAWYER*, April 2014, at 66.

¹⁵753 P.2d 76 (Wyo. 1988), *aff’d on equally divided court*, 492 U.S. 406 (1989).

¹⁶835 P.2d 273, 278-79 (Wyo. 1992) (Big Horn III).

¹⁷35 P.3d 68 (Ariz. 2001).

¹⁸*United States v. Mazurie*, 419 U.S. 544 (1975).

¹⁹*Washington v. Confederated Tribes of the Colville Indian Reservation*, 447 U.S. 134, 154 (1980).

²⁰Felix Cohen, *Handbook of Federal Indian Law* 122 (1942 ed.) (emphasis added).

²¹435 U.S. 313, 323 (1978). The sovereignty principles established in *Mazurie* and *Wheeler* have been reaffirmed by the Supreme Court in more recent cases, including *White Mountain Apache Tribe v. Bracker*, 448 U.S. 136, 142 (1980); *New Mexico v. Mescalero Apache Tribe*, 462 U.S. 324, 332 (1983); *National Farmers Union Ins. Co. v. Crow Tribe*, 471 U.S. 845, 851 (1985); and *California v. Cabazon Band of Mission Indians*, 480 U.S. 202 (1987).

²²*Montana v. United States*, 450 U.S. 544, 565 (1981).

²³33 U.S.C. § 1377(e). The EPA chose a case-by-case basis to determine if a tribe possesses the inherent authority over waters in light of the evolving case law. See 56 Fed. Reg. at 64877 (Dec. 12, 1991).

²⁴56 Fed. Reg. at 64878.

²⁵97 F.3d 415 (10th Cir. 1996).

²⁶941 F.Supp. 945 (D. Mont. 1996), *aff’d*, 137 F.3d 1135 (9th Cir.), *cert. denied*, 525 U.S. 921 (1998).

²⁷*Id.* at 951.

²⁸137 F.3d 1135 (9th Cir. 1998)

²⁹*Id.*

³⁰266 F.3d 741 (7th Cir. 2001), *cert. denied*, 535 U.S. 1121 (2002).

³¹*Id.* at 744 (citing 56 Fed. Reg. at 648779).

³²*Id.* at 750.

³³Jeanette Wolfley, *Tribal Environmental Programs: Providing Meaningful Involvement and Fair Treatment*, 29 J. ENVTL. LAW AND LITIGATION 389, 401 (2014).

³⁴*Id.* at 402.

³⁵*Id.* at 403.

³⁶*Id.*

³⁷*Id.* at 409-421.

EXHIBIT 61

DATE 4/11/15

SB 262

Mr. Chairman, members of the Committee,

My name is Mark Haag (spelled HAAG); my wife and I are property owners and business owners near Columbia Falls and we are opposed to this Compact. As with so many new residents to this beautiful state, we came for a visit and decided after living in three other states, that Montana would be **our last home**. After reading about the concerns of those opposed to this Compact, including by my county commissioner, Phil Mitchell, I am beginning to feel that our decision to move to Montana and invest here may not have been a wise one.

It wasn't just the beauty that captivated my wife and me to this land, but the spirit of Montana's people, the work ethic, the skills that Montanans have to be more self-reliant and independent than those in other states. After all, the Helena newspaper is called the *Independent Record*. Now, we are seeing an unwarranted control over Montana people worse than that which we left behind.

I hear words that describe this Compact as "unconstitutional," that it takes away and subjugates water and property rights, that my representation will be by a board that that I did not vote for and, worst of all, it gives the jurisdiction of Montana's water to the Federal Government in tandem with a foreign sovereign nation's

government. **Are you kidding? I'm scratching my head and asking, Can this be Montana?**

The issue that I speak to today is the total lack of transparency in the collection and disbursement of the \$55 Million you intend to collect from Montana tax payers. In a state of only 1 million people of which half or less are in the workforce, I want to know how you intend to collect this money.

Are you going to increase payroll taxes? Gas tax? Corporate tax? Increase taxes on alcohol and tobacco? Add a state sales tax? Increase our car registration tax? Estate tax? Capital gains tax? Or will you be increasing the taxes on EVERY Montanan's property?

I'm currently paying property taxes and I would like those who support this Compact to give me a line by line description of where this money is coming from. It certainly isn't coming from the Sovereign nation of the Salish / Kootenai.

I would also like the same detail as to where the money is going. What are the irrigation upgrades? How much is going to environmental studies? I ask this House Judiciary committee to demand answers to these questions and report the FACTS back to the people who will be paying. If the supporters of this bill cannot

(or will not) answer them, how can you trust this FOREVER agreement when the crafters (I mean drafters!) have written in a clause that they say can't be accountable for its outcome?

As far as I know, this Compact was written with absolutely NO input from the taxpayers who will have to bear the burden of paying the \$55 Million. Increasing taxes on us without representation is against one of the principles that our highly principled Founding Fathers fought and died for and that this country is built on.

If your biggest concern with the bill is **fear of possible litigation**, which even the supporters say, "*Is not perfect*," I say let the hard-working people of Montana have a say in those odds. If the supporters can't (or won't) answer the simple question of how the \$55 Million is being collected and spent, then how can you trust what else is in this 1500 page agreement that allegedly cannot be amended.

There is NO free choice in this so-called negotiated compact. As this stunning compact now stands, taking away property rights from Montana Citizens, you must vote NO on SB-262. A Grand Bargain? – I don't think so. Thank you.

WHATS WRONG WITH THE COMPACT???

Mr. Chairman, members of the committee; my name is George

Hudson, H-u-d-s-o-n, I live in Kalispell. Chairman Bennett, I think you do an outstanding job of chairing this committee. Members of the committee, I have watched, I've observed, how intensely you listen to the speakers and cling to their every word. That's grueling work!! You are to be commended! So thank you all very much!

I want to talk to you about what's wrong with the compact. I'll just summarize a few of the points that stick out.

- 1. Breach of Sovereignty: We will no longer have the protection of the sovereign state of Montana.**
- 2. Its 1500 pages long. You could hide something in a document 1500 pages long and who would ever know it.**
- 3. Forever documents really suck. There should be no such thing as a forever.... Compact!**
- 4. have the committee members had a chance to read it? If not, how could they possibly vote for a *forever document* that they haven't read?**
- 5. It seeks Passage by intimidation. Threatening to have ten thousand law suits against us if we don't pass this compact. As I've said before, this is an empty, groundless threat! Committee members I beg you please be bold, be brave! Never vote for or against anything because of a threat.**

THE HISTORY OF THE

REIGN OF KING CHARLES THE FIRST

IN WHICH ARE CONTAINED THE
MOST IMPORTANT AND INTERESTING
PARTS OF HIS REIGN, FROM HIS
ACCESSION TO THE THRONE, TO HIS
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CHANGE OF GOVERNMENT.
BY JOHN BURNET, ESQ.
OF LINCOLN'S INN.

LONDON, Printed by J. Sturges, at the Angel in St. Dun-
stons Church, 1724.

IN TWO VOLUMES.
THE SECOND.

THE HISTORY OF THE
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6. Multimillion dollar media blitz to sell the compact to those ignorant of the facts. Why, if it is so good for everybody concerned, do the proponents have a multimillion dollar campaign to sell it?

7. The tribes will hold complete control of the water supply. Irrigators, farmers, and citizens will have no voice! 5 people appointed by the other side will control 330,000 thousand people who have no voice!

8. A water right will become a "water delivery entitlement" with no specification of how much if any water. Anybody know the difference between a right and a privilege? Rights come from God; Governments are instituted among men to protect those rights. Privileges come from Government. This really smacks of a right being reduced to a privilege.

9. Irrigators know that their historic water delivery has been cut by 50 to 70 percent. Many of them are running low on water now. How can they possibly survive on half of what they currently have? Why are some of the irrigators still supporting a flawed compact? Is there something else quietly going on here?

10. 55 Million dollars. Taxpayer's money. How are you going to raise that money Mr. Governor? Where is it going to come from? Where's it going to?? Who benefits?

11. The compact completely trashes private property giving tribal members the right to pass over private land. Usual and accustomed fishing places are not defined at all. Fishing rights are not water rights.

12. This water compact will have a severe impact on 330,000 citizens of the state and directly affect 11 counties. It will indirectly affect the

the first of these is the fact that the majority of the population is of African descent, and that the majority of the population is of African descent, and that the majority of the population is of African descent.

The second of these is the fact that the majority of the population is of African descent, and that the majority of the population is of African descent, and that the majority of the population is of African descent.

The third of these is the fact that the majority of the population is of African descent, and that the majority of the population is of African descent, and that the majority of the population is of African descent.

The fourth of these is the fact that the majority of the population is of African descent, and that the majority of the population is of African descent, and that the majority of the population is of African descent.

The fifth of these is the fact that the majority of the population is of African descent, and that the majority of the population is of African descent, and that the majority of the population is of African descent.

The sixth of these is the fact that the majority of the population is of African descent, and that the majority of the population is of African descent, and that the majority of the population is of African descent.

The seventh of these is the fact that the majority of the population is of African descent, and that the majority of the population is of African descent, and that the majority of the population is of African descent.

entire country. Think of it!! 33 percent of this state. That will blow a hole in the economy the size of the Grand Canyon. What state can survive that?

13. So I don't ask you just to vote no on it; I ask how could anybody, possibly vote yes on it ???? Vote no on SB262 and protect private property.

Water Compact Concerns:

The scene now playing out before the Montana Legislature is a familiar one. Just ask the farmers and ranchers of the Klamath Basin in Oregon.

In 2001 the water supply was shut off to the Klamath Basin including the two smaller valleys to the east of Klamath Falls. The effect was devastating to the local farmers and ranchers. Seems that the sucker fish were more important.....even though the government had tried to poison them in the 1960's.

There was concern that a food source for the local tribes would be affected. It did not seem to matter that the tribes did not eat these fish and preferred to use them as bait.

The battle has been going on for 14 years. Local ranchers and farmers have had to make do with much less water and in the case of dry years, perhaps no water at all.

The Klamath Basin was an arid place before canals were dug. Irrigation water from the Klamath Lake (38 miles long, 8 miles wide and 9 feet deep) changed all that. The Klamath Russet potatoes have become a diet mainstay over these many years of successful farming.

The water compact is a repeat of the Klamath story and it will be a Flathead Valley disaster of similar magnitude. Turn our water supply control over to local tribes....I think not!

Sincerely, *Thank you for letting my wife Janet Franklin speak on my behalf, as a time conflict came up for me today. I am sorry not to share the Oregon story myself, as a resident here up until 2001.*
Wayne Franklin
Kalispell *Wayne F 6500 @ AOL.Com*

*Wayne Franklin
50 Grandview Dr
Kalispell MT 59901*

led down the garden path once again by a federal government that wants to take the land and water from all of us, and is being used as an instrument to implement Agenda 21. So please, think before you rant and rave and call people names when you don't know the circumstances or have a clue about what you are talking about.

23.

stormyB4 says:
July 5, 2013 at 12:25 pm

How does the saying go, whiskey's for drink in, water's for fightin over....

24.

hp says:
July 5, 2013 at 10:17 am

I was born in Pennsylvania's Allegheny foothills. No natives (of which I am a white one) loves the river valley where I grew up, more than me.

Aren't the natives, (the official natives), emigrants as well?

"The only good bureaucrat is one with a pistol at his head. Put it in his hand and it's good-bye to the Bill of Rights" – H.L. Mencken

25.

Robert says:
July 5, 2013 at 9:48 am

First let me say that I am very sympathetic and understanding of the conditions of the ranchers and farmers in the valley. I own farm ground myself.

That being said let us take a look at how water rights "typically" work. Water rights themselves go with the ground, NOT with the owner. If somebody owned or was given rights to that ground when the water rights were first established, say back in 1868, or when the tribal ground was setup by the government they get first water rights. Now for non tribal ground, even though the property has sold 100 times to 100 different owners over the years, the water right stays with the ground not the person.

Let's say person #102 comes along in 2013 and buy buys some different ground say 20 or more miles away. More then likely they bought "later water rights" as part of the ground purchase. So that person has the "later" water rights. No matter where you live, no matter what you do, what ever person, entity, organization that has "first" water rights has control and power. Everybody else, no matter how good, how wonderful, how hard working, how patriotic is in 2nd place, 3rd place, 4th place etc. Meaning they get what is left if any.

The key thing to understand is when people bought the ground THEY KNEW they had later water rights then the tribe. If they claim they didn't, they are ill informed and didn't bother to check. Once you walk into the irrigation district office or go check at the county, those offices can usually tell you where you are in line. By default the person with the later water right knows that they could get cut back or off if the individual/entity/organization that owns first water rights decides they need

- [Media](#)
- [Smart Cities](#)
- [Vote Fraud](#)
- [Stinkfly](#)
- [Aggie](#)
- [Smart Grid](#)
- [Hemp](#)
- [Seed Sale](#)
- [Musings](#)
- [Life Lessons](#)
- [Uncategorized](#)
- [NHIS](#)
- [Public Service Announcement](#)
- [Federal Reserve](#)
- [Pharming](#)
- [Possible False Flag](#)
- [Preparation](#)
- [human experimentation](#)
- [Peak Oil Theory](#)
- [Freedom Force](#)
- [The Ruthie Report](#)
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Jul
1

Klamath Basin Water Shutoff – Leaving Livestock to Die, Basin to Burn

Like 314



2013

Barb's Note: *Klamath county, Oregon water shutoff – The Klamath Tribes, in collusion with the Federal government and corrupt Oregon officials have started turning off water to farms and*

ranches. Since the tribe has first water rights, it has claimed those rights and is requiring that all other users with dates later than theirs be shut off. This is everyone else. Read it and weep. Not only will livestock and crops start dying, but this leaves us wide open to rampant wildfires that have the potential to decimate the basin.

The following is a communication from Flying T Salers, the best, in my opinion, cattle rancher in the area.

Flying T Salers

This last week has been a busy week. It started last week when we started hearing that people were having their water turned off in the Bly area and were wanting to get the word out as the paper was not saying much. Then Friday our water was shut off, which started drying out our fall pasture.

A few days later we got that impressive storm that did a good job of getting everything wet. That storm probably saved the ducklings that I have been watching as it kept the ditches full for an extra 5 days while the young figured out how to fly. Now with the high temperatures in the 90's everything is starting to dry out fast. I expect to start seeing some fields with dead grass in the Sprague River basin here pretty soon.

If a person reads the paper they may not grasp who is getting turned off when we say that everyone above Klamath lake is getting turned off. Modoc irrigation district got turned off a few days ago. Most of Sprague has already been turned off, any that are still using surface water will soon be. All of Fort Klamath area will be turned off. It is not just irrigators either. I hear that Chiloquin School will have the water turned off that irrigates their grass lawns. I am hearing that even Crater Lake National Park is in the same boat as the rest of us and will be turned off.

This really is a big deal, then to make things even worse the water master has been breaking state law and is not turning the water off by date. Instead he has been picking the areas where the people who have been fighting this the hardest are and has been turning those areas off and leaving areas where the people have been keeping their heads down or supporting the Tribe alone to be turned off last, even if they have the latest dates in the whole system. The end result has been that while on the ranch we have the oldest water right in the whole basin, second to the Tribes, others with 1950s water rights and later will be irrigating for 2-3 weeks longer than we are with our 1864 water rights.

Where do we go from here? Monday is the rally and then Tuesday a judge in town will start deciding if we can get a stay, which would allow us to irrigate while the high Government/Tribal claims are fought in the local court system. If he is quick about it and we get water back on the dry fields soon we may be able to save our fall feed. That said most of the ranchers, ourselves included have either been selling livestock or moving them out of the area. For us, we were able to move them to a different drainage in the county, but still expect to be short on feed especially this fall. Most people did not have more grass in the county and are shipping the cattle and the revenue and jobs that go with them to other states now.



Tags: [Agenda 21](#), [Farm Wars](#), [farmwars](#), [klamath](#), [tribe](#), [Water](#), [water master](#)

Posted by Barbara H. Peterson [Activism](#), [Agenda 21](#), [Agriculture](#), [Crooks and Liars](#), [Depopulation](#), [New World Order](#), [NWO terrorism](#), [Police State](#), [Truth & Consequences](#), [Tyranny](#), [War](#), [Water](#) [Subscribe to RSS feed](#)

48 Responses to “Klamath Basin Water Shutoff – Leaving Livestock to Die, Basin to

EXHIBIT 64
DATE 4/11/15
SB 262

Chairman Bennett and House Judiciary Committee members,

My name is Rick Jore, J-O-R-E. I live in Ronan...and because of where I live, this compact assumes I am not worthy of "equal protection of the laws" guaranteed in Art. II Sec. 4 of the MT Constitution, even though I am 100% worthy of taxation and regulation by the State of Montana.

Judges and attorneys are not to determine your oath of office. You have the same duty as any judge to determine the Constitution. Do not support the notion that the MT Constitution should apply fully to some citizens but not to others simply because of where they live and own property within the state. Vote no on SB 262.

Thank you,

Rick Jore
30488 Mount Harding Lane
Ronan, MT 59864

(406) 644-2542

(406) 544-2389

Mr. Chairman and committee members

We are here to voice our opposition to the Water Compact. We feel this is nothing more than a power grab by the federal government. If the federal government controls all of the water, they controll all of us because without water we will be slaves to the tyranny of an out of control federal government.

We address this next comment to the Tribes. Be carefull of what you ask for. We feel that you are being used as a pawn by the federal government to gain control of all of the water . I ask you to consider for a moment who it was that opened your reservation lands to homesteading. Was it the federal government, the state government or the tribal government? Who was it the seized a large portion of your reservation lands and created the National Bison Range and to this day prevents you from managing it? If you think that once the federal government gets control of all of the water and they will let you manage it, I would direct your attention to the last two times they took over part of your reservation. The federal government was supposed to hold this land in trust for you. How is that held in trust working out for you?

The control of the water belongs with the state. I have read this Constitution from cover to cover several times this past week. I find nothing in this Constitution that gives this power to the federal government or the tribes except the water on the reservation and they should not be able to control water off of the reservation. I keep coming back to this one little paragraph. The powers not delegated to the United States, nor prohibited by it to the states, are reserved to the states respectively, or to the people. The Tenth Amendment ladies and Gentlemen. I find no such power for the federal government to hold any water rights in trust for anybody. Remember, once freedom is lost, it is lost forever and we cannot get it back. If you want to give up your freedoms individually, you may do so, but please do not give up mine. The blood that has been lost to gain and hold our freedoms would flood this city. Please do not let this have been in vain.

Why now after over two hundred years does the federal government want to gain control of the water. We have gotten along just fine until now without their intervention.

You were elected to protect our rights collectively, please vote against this flawed compact and return the water adjudication back to the state where it belongs.

Thank you
Gerald Cuvillier Beverly Cuvillier

Sanders County Democrat Central Committee Committeeman and Committeewoman
Precinct three
P. O. Box 1421
Trout Creek. Montana 59874

Note!
This was originally meant to be outline for my address however due to limited time I will footnote several areas for record. Several copies are for committee review.

Mitchell R. Jackson
Land Owner
Stakeholder Water Rights
April 11, 2015

House Judiciary Committee
SB 0262.01 Water Compact
Public Hearing

Personal Comments:

After going through hundreds of pages, two times this compact still doesn't make a
Very good impression; however I have concluded several strong opinions, listed as
Follows.

- 1) All existing water rights to be reported to compact authorities within 5 years.
is this going to require every users Response also
- 2) Tribes to control all waters on and off the reservation. This means Federal Government control ie. EPA. *How does one group have control over so much of Montanas WATER.*
- 3) Some Federal and state organizations are exempt from authority of this compact. *Evidently this means this compact is NOT such a good idea. Federal Agencies inner compact*
- 4) Corp. of Engineers exempt from compact ie. Libby Dam as long as it exist. Actually operates under present EIS study and recommendations. Any other conditions, protocol will be established by Corp. of Engineers and Tribes.
- 5) Federal lands of FWP, are exempt compact has no legal authority over them.
- 6) State lands of MT FWP compact have no authority over them.
- 7) Federal Government will virtually have full authority over all Montana waters ie 1. Tribal lands and reservations are under control of Federal Government, Department of Interior.
 2. Federal Forest Land Department of the Interior
 3. National Parks are Federal Government
 4. BLM Lands under Federal Government
 5. Trust Lands Federal Government

It would seem that the state is losing its sovereignty, (being federalized).

Page 30 of SB0262.01

8) Cost 1. Initially it would seem that individual water use for irrigation \$8.00 per acre foot plus \$25.00 administration fee, with annual adjustments.

Page 33 of SB0262.01

2. Other types of high volume use \$40.00 per acre foot and annual adjustment.

Page 40 of SB262.01

3. Power service charges Mission Power a fee of \$200,000 shared 50/50 with the tribes and project operator.

Note: These costs will be passed on the customers backs.

All these charges to every water user will be millions.

Page 49 of SB0262.01

9) Water management board will assess a water use fee.

10) Why in the world would any Montanian want to let the Federal Government control state waters?

How many effectively or efficiently run Federal programs have you seen?

Conclusion: I believe that the Tribes have every right to water rights inside reservations under State laws and assessments properly implemented. Also to have water rights on or off reservations for ceremonial and religious activities only.

CEREMONIAL AND RELIGIOUS ACTIVITIES MUST NOT be Restricted.

I believe that the state water rights are good and have been for a hundred years. However if there are some justifiable improvements to be made the 55 million would be or could be more than adequate to fix them permanently.

Finally: 1. It's time to stand and be counted for State Sovereignty.

2. Individual rights.

3. Individual freedoms from government oppression, *And over control.*

This compact will hurt future development and job opportunities. It could and probably would be used to control energy development and mining operations.

Loss of livestock water already projected.

Sincerely,

Mitchell R. Jackson
Mitchell R. Jackson

April 11, 2015

Christopher Sullivan
166 Montana Highway 212
Dixon, Montana 59831

Dear Chairman Bennett and Members of the Committee,

I am writing this testimony as a rancher and as a 34 year Flathead Irrigation irrigator. I own fee property near the town of Dixon, Montana. I ranch approximately 100 head of bison.

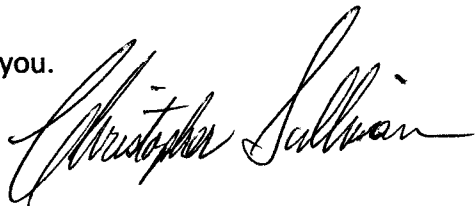
For winter feed last year I purchased 150 ton of grass / alfalfa hay that was irrigated by water from the Flathead Irrigation Project. I also purchased 62 ton of Montana grain to feed to my animals. This proposed Compact will directly affect, negatively, my irrigated land, as well as the land that much of my feed is grown on by a good neighbor in Hot Springs.

The Compact will negatively affect the animals that I raise with my ranch business. It will also affect the S Corporation that markets my meat wholesale and the State Inspected slaughter plants that process my product. Very few people have spoken about the repercussions pertaining to the community "chain reaction" that will follow if the Compact is passed.

I am opposed to the CSKT Compact. I do not want to be treated differently than other Montana irrigators. The State of Montana is responsible for water in Montana. The UMO in the proposed Compact is just one aspect that prevents me from being treated in the same manner as every other "tax paying" irrigator. I require a water right that will ensure security on my property. A "right to use water" with the theme of "adaptive management" has the potential to work against property owners.

Please do not allow taxpaying citizens to be "removed" from under the responsibility of the State of Montana concerning water. Please vote to oppose the CSKT Water Compact.

Thank you.



Christopher Sullivan

Indian Mission Patent

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

General Land Office Records

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[Search Documents](#) [Results List](#) [Patent Details](#)

Accession Nr: 164727 Document Type: Serial Patent State: Montana Issue Date: 12/8/1910 Cancelled: No

Patent Details

Patent Image

Related Documents

Printer Friendly

Names On Document

- ☒ SISTERS OF CHARITY,
☒ PROVIDENCE OF MONTANA CORP

Military Rank: ---

Miscellaneous Information

Land Office:	Washington Ofc
US Reservations:	Yes
Mineral Reservations:	No
Tribe:	---
Militia:	---
State In Favor Of:	---
Authority:	August 14, 1848: Indian Mission Patent (9 Stat. 323)
General Remarks:	Sisters Of Charity Of Providence Of Montana Corp

Document Numbers

Document Nr: 85668-10
 Misc. Doc. Nr: 77689-10
 BLM Serial Nr: MTMTAA 098596
 Indian Allot. Nr: ---
 Coal Entry. Nr: ---

Survey Information

Total Acres:	318.00
Survey Date:	---
Geographic Name:	---
Metes/Bounds:	Yes

Land Descriptions

Map	State	Meridian	Twp - Rng	Aliquots	Section	Survey #	County
	MT	Montana PM	018N - 020W		14		Lake
REMARKS: METES & BOUNDS TRACT							
	MT	Montana PM	018N - 020E	NE 1/4 SW 1/4	14		Fergus
	MT	Montana PM	018N - 020E	NE 1/4	14		Fergus
	MT	Montana PM	018N - 020W	N 1/4 SE 1/4	24		Lake



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EXHIBIT 168

DATE 4/11/15

SB 262

IF

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, AN ORDER OF THE SECRETARY OF THE INTERIOR HAS BEEN DEPOSITED IN THE GENERAL LAND OFFICE, DIRECTING THAT A FEE SIMPLE PATENT ISSUE TO THE CLAIMANT, SISTERS OF CHARITY OF PROVIDENCE OF MONTANA CORPORATION, UNDER THE PROVISIONS OF THE ACT OF MARCH 3, 1909 --35 STAT., L., 814-- , FOR THE FOLLOWING-DESCRIBED TRACTS;

BEGINNING AT THE CORNER OF SECTIONS THIRTEEN, FOURTEEN, TWENTY-THREE AND TWENTY-FOUR IN TOWNSHIP EIGHTEEN NORTH OF RANGE TWENTY WEST, THENCE NORTH ONE MINUTE WEST TWELVE CHAINS, THENCE WEST SEVEN CHAINS, THENCE SOUTH ONE MINUTE EAST TWELVE CHAINS, THENCE EAST SEVEN CHAINS TO THE PLACE OF BEGINNING, CONTAINING EIGHT AND FORTY-HUNDREDTHS ACRES IN SAID SECTION FOURTEEN; AND BEGINNING AT THE CENTER OF SAID SECTION FOURTEEN, THENCE EAST FIFTEEN CHAINS, THENCE SOUTH TWENTY CHAINS, THENCE WEST FIFTEEN CHAINS, THENCE NORTH TWENTY CHAINS TO THE PLACE OF BEGINNING, CONTAINING THIRTY ACRES; AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION FOURTEEN; AND THE NORTHEAST QUARTER; AND THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION TWENTY-FOUR IN TOWNSHIP EIGHTEEN NORTH OF RANGE TWENTY WEST OF THE MONTANA MERIDIAN, MONTANA, CONTAINING, IN THE AGGREGATE, THREE HUNDRED EIGHTEEN AND FORTY-HUNDREDTHS ACRES.

NOW KNOW YE, THAT THE UNITED STATES OF AMERICA, IN CONSIDERATION OF THE PREMISES, HAS GIVEN AND GRANTED, AND BY THESE PRESENTS DOES GIVE AND GRANT, UNTO THE SAID CLAIMANT, AND TO THE SUCCESSORS OF THE SAID CLAIMANT, THE LAND ABOVE DESCRIBED; TO HAVE AND TO HOLD THE SAME, TOGETHER WITH ALL THE RIGHTS, PRIVILEGES, IMMUNITIES, AND APPURTENANCES, OF WHATSOEVER NATURE THEREUNTO BELONGING, UNTO THE SAID CLAIMANT, AND TO THE SUCCESSORS AND ASSIGNS OF THE SAID CLAIMANT, FOREVER. AND THERE IS RESERVED FROM THE LANDS HEREBY GRANTED, A RIGHT OF WAY THEREON FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES.

IN TESTIMONY WHEREOF, I,

WILLIAM H. TAFT

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the

EIGHTH

(SEAL)

day of

DECEMBER

In the year of our Lord one thousand

nine hundred and

TEN

and of the Independence of the

United States the one hundred and

THIRTY-FIFTH.

By the President:

By

Wm. H. Taft
M. P. LeRoy
H. W. Langford

Secretary,

Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number

164727

6-2100

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 134872-00 STATEMENT OF CLAIM
Version: 1 - ORIGINAL RIGHT
Version Status: ACTIVE

Owners: DAVID H SNYDER
PO BOX 788
SAINT IGNATIUS, MT 59865

Priority Date: MARCH 31, 1910

Enforceable Priority Date: MARCH 31, 1910

FOR DATABASE CONVERSION PURPOSES A DAY OR MONTH AND DAY HAVE BEEN
ADDED TO THE PRIORITY DATE.

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 1.25 CFS

Maximum Volume: 724.00 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 120.00

Source Name: MISSION CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr	Sec	Sec	Twp	Rge	County
1		NWNW	29		18N	19W	LAKE

Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: HEADGATE

Period of Use: MAY 1 to OCTOBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr	Sec	Sec	Twp	Rge	County
1	30.00		N2SWSW	14		18N	20W	LAKE
2	30.00		NWSESW	14		18N	20W	LAKE
3	30.00		NESE	15		18N	20W	LAKE
4	30.00		NESESE	15		18N	20W	LAKE
Total:	120.00							

Geocodes/Valid: 15-2753-14-3-02-02-0000 - Y

15-2753-14-3-02-03-0000 - Y

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME
RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF
THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE
(PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

134871-00 134872-00

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS
ONE.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 08/13/85.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 35686 RECEIVED 04/13/2006.

THE MAXIMUM ACRES CLAIMED MAY BE QUESTIONABLE. THE SUM OF THE PARCEL ACRES IS 46.
ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 11/6/2009, A PORTION OF THE
PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY TERRY LEE CARD.
USDA AERIAL PHOTOGRAPH NO(S). 1079-28, DATED 9/24/1979, APPEARS TO INDICATE 46 ACRES
IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.
USDI AERIAL PHOTOGRAPH NO. MO-1P-127, DATED 8/14/1955, APPEARS TO INDICATE 42 ACRES
IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.



FILE



STATEMENT OF CLAIM



*76L *



134872



00

hands
1 purchased

Box Bar Code _____

File Bar Code _____

Date/Initials _____

76 L

STATEMENT OF CLAIM FOR EXISTING WATER RIGHTS IRRIGATION

RECEIVED

MAR 4 1982

134872

3-LA-C

08-110-02-07

For the Water Courts of the State of Montana MONTANA D.N.R.C.
KALISPELL FIELD OFFICE

40.10
1. Owner of Water Right

Urauline Sisters /

Last

First

Middle Initial

Co-Owner or Other
Interest Owner

Last

First

Middle Initial

Address St. Ignatius Mission

City St. Ignatius State Montana Zip Code 59865

Home Phone No. Business Phone No.

2. Person completing form

Dempsey /

Sister Celeste (Provincial)

Last

First

Middle Initial

Address 639 Angela Dr.

City Santa Rosa State California Zip Code 95401

Home Phone No. Business Phone No. (707) 545-6811

3. Name of ditch, creek or river

Use: ☐ Irrigation

4. Method of Irrigation Use:

☐ Sprinkler☐ Furrow☐ Flood

5. Source of Water: (Check Only One)

☐ Spring

Name

☐ Well

Name

☒ Stream

Name Mission Creek

Tributary of

☐ Lake

Name

Stream

Tributary of

☐ Reservoir

Name

Stream

Tributary of

6. Point of Diversion:

County Lake

NW 1/4 NW 1/4, Section 29, T 18 N 1/2, R 19 E/W

Lot, Block, Subdivision

7. Means of Diversion:

☐ Pump

Capacity gpm

☒ Headgate and ditch or pipe☐ Flood and dike

8. Means of Conveyance:

☒ Ditch☐ Pipeline☐ Other: Explain

9. Place of use and acres irrigated.

County Lake

120 acres, Lot, Block, S 1/4 SW 1/4 SE 1/4, Section 14, T 18 N/S, R 20 E/W
 acres, Lot, Block, 1/4 1/4 1/4, Section , T N/S, R E/W
 acres, Lot, Block, 1/4 1/4 1/4, Section , T N/S, R E/W
 acres, Lot, Block, 1/4 1/4 1/4, Section , T N/S, R E/W
 acres, Lot, Block, 1/4 1/4 1/4, Section , T N/S, R E/W
 Total acres. Subdivision

10. Flow rate claimed: 50

- ☐ cubic feet per second
☐ gallons per minute
☒ miner's inches

11. Volume claimed: 724 acre-feet per year

12. Period(s) of use: May / 1 to Oct. / 31
Month Day Month Day

13. Check one:

- ☐ Decreed Water Right
☒ Filed Appropriation Right
☐ Use Water Right

Priority date or date of first use

 / March / / 1910
Hour Month Day Year

14. Attach copies of the Decree, Record of Filing or Proof of Use Right.

15. Attach copies of aerial photographs, U.S. Geological Survey maps or such other documents necessary to show point of diversion, place of use, place of storage, and conveyance facilities.

16. Notarized Statement signed by claimant.

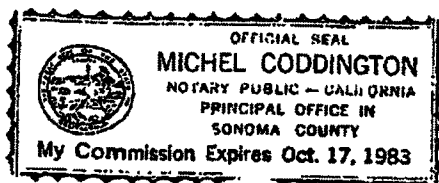
CALIFORNIA
 STATE OF MONTANA

County of Sonoma

I, Michel Coddington, having been duly sworn, depose and say that I, being of legal age and being the claimant of this claim of existing water right, and the person whose name is signed to it as the claimant, know the contents of this claim and the matters and things stated there are true and correct.

X Sister Celeste Dempsey

Subscribed and sworn before me, this 25th day of February 19 82



Michel Coddington
 Notary Public for the State of Montana CALIFORNIA
 Business Residing at Santa Rosa
 My Commission expires 17 October 1983

Ursuline Provincials

*659 Angela Drive
Santa Rosa, California 95401*

October 30, 1981

134872

To Whom It May Concern:

I would like to renew the already existing Water Rights of the property owned by the Ursuline Sisters in St. Ignatius Montana. I do not fully understand this procedure, and so I have enclosed all the information I have on file. The disadvantage being that since I live at a distance I cannot personally appear at your office to seek advice. My intent is to simply renew the existing water rights in view of the best interest of the property. In the event of a possible future sale of the land, we would want the most beneficial water rights for the owner.

Thank you for your attention to this matter, and I will await your response and further directions.

Sincerely,

Sister Celeste Dempsey, S.N.D.

Provincial

RECEIVED

NOV 5 1981

MONTANA D.N.R.C.
KALISPELL FIELD OFFICE

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
WATER RIGHTS BUREAU



TED SCHWINDEN, GOVERNOR

P O BOX 860

STATE OF MONTANA

(406) 755-9288

KALISPELL, MONTANA 59901

134872

November 19, 1981

CERTIFIED #3723383

Sister Celeste Dempsey
Ursuline Provincialate
639 Angela Drive
Santa Rosa, CA 95401

RECEIVED

MAR 4 1982

**MONTANA D.N.R.C.
KALISPELL FIELD OFFICE**

Dear Sister Celeste,

I am returning you claims for further completion.

Several questions were not answered, fees were not paid, and the claims were not notarized.

All questions on the claim form, front and back, must be completed.

✓ Each claim must be signed and notarized. A California notary may do this for you. Make sure they affix their seal on the claim form; not as an attachment.

Each claim must have attached to it: a map showing the point of diversion of the Mission Creek water and the place of use.

Each claim must have attached to it: copies of the old water rights.

Our Bureau can not help you with most of the claim questions as they relate to specific uses of water on your land. You may have to seek private help in the St. Ignatius area to assist in these matters.

We can help with specific questions that you may have.

Sincerely,

John J. Rauk

John J. Rauk
Adjudication Specialist
Water Rights Bureau

JJR/lc
Enclosures

ABSTRACT OF DOCUMENT BOUND IN WATER RIGHT BOOK A at page 142, records
of Lake County, Montana

134872

Location of Water right

12761

TRANSCRIBED FROM Missoula County Records, Book "I" Water, Rights, page 57,

Compared

NOTICE OF APPROPRIATION

STATE OF MONTANA)
) ss
County of Missoula)

TO ALL WHOM THESE PRESENTS MAY CONCERN:

BE IT KNOWN, That the Ursuline Nuns of St. Ignatius Mission, in said county and State do hereby publish and declare, as a legal notice to all the world, as follows, to-wit:

I. That it has a legal right to the use, possession and control of and claim fifty inches of the waters of Mission Creek, in said County and State for irrigation and other purposes

II. That the purpose for which said water is claimed, and the place of intended use is irrigating, watering live stock, gardening, domestic and other useful and beneficial purposes to be used on the following described lands, to-wit: The Western portion of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 14, Township 18 N. R. 20 West, Missoula County, Montana.

III. That the means of diversion with size of flume, ditch, pipe or aqueduct by which it intends to divert the said water is as follows: A ditch 24 inches by 12 inches in size, which carries and conducts 50 inches of water from said Mission Creek; which said ditch diverts the water from said stream at a point upon its left bank, and runs thence Westerly across Section twenty-four and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 14, in Township 18 North, Range 20 West, Missoula County, thence over and upon said land.

IV. That it appropriated and took said water on the 18th day of March A.D. 1910, by means of said ditch.

V. That the name of the appropriator of said water is the Ursuline Nuns of St. Ignatius Mission, Montana.

VI. That it also hereby claim said ditch and the right of way therefor, and for said water by it conveyed, or to be conveyed, from said point of appropriation to said land or point of final discharge, and also the right of location upon any lands of any dams, flumes, reservoirs, constructed or to be constructed, by it, in appropriating and in using said water.

VII. That it also claim the right to keep in repair and to enlarge said means of water appropriation at any time, and the right to dispose of the said right, water, ditch, or said appurtenances thereunto belonging and appertaining or to accrue to the same.

900. acre feet

134872

WITNESS the hand of said Ursuline Nuns of St. Ignatius Mission, Montana, at St. Ignatius Montana, this 18th day of March 1910.

Sister Margaret Mary, Superior

STATE OF MONTANA)

) ss

County of Missoula) Sister Margaret Mary, having first been duly sworn, depose and say...that she..of lawful age and is the agent of the Ursuline Nuns of St. Ignatius, Mission, the appropriator and claimant of the water and water right mentioned in the foregoing notice of appropriation and claim, and the appropriator whose name is subscribed thereto as the appropriator and claimant, that she knows the contents of said foregoing notice and that the matters and things therein stated are true..

Ursuline Nuns, By Sister Margaret Mary, Superior

Subscribed and sworn to before me, this 19th day of March, A. D. 1910

(SEAL)

George H. Beckwith
Notary Public in and for the State of Montana,
Residing at St. Ignatius therein, My Commission
expires the 9th day of Sept. 1911.

Filed for Record the 21st day of March, A.D. 1910 at 3:30 o'clock P.M.

F. W. Kuphal, County Recorder
By Deputy

ABSTRACT OF DOCUMENT BOUND IN WATER RIGHT BOOK A at page 131, records
of Lake County, Montana

Compared

Transcribed from Missoula County Records, Book "F" Water Rights, Page 297,

LOCATION OF WATER RIGHT

NOTICE OF APPROPRIATION

134872

STATE OF MONTANA)
) ss
County of Missoula)

TO ALL WHOM THESE PRESENTS MAY CONCERN

BE IT KNOWN, That Ursuline Nuns, of St. Ignatius, Mission, in said County and State, do hereby publish and declare, as a legal notice to all the world, as follows, to-wit:

I That it has a legal right to the use, possession and control of and claim Six Hundred inches of the waters of Dry Creek, in said County and State, for irrigating and other purposes.

II. That the purpose for which said water is claimed, and the place of intended use is for irrigating, watering live stock, domestic and other beneficial uses; to be used on the following land; S $\frac{1}{2}$ SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 14, N $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 23; SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 23; NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 23, SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 24; S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 24; NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 24, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 24, N $\frac{1}{2}$ of N $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 25, and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 25, all in Twp. 18 N. R. 20 West.

III. That the means of diversion, with size of flume, ditch, pipe or aqueduct by which he intend...to divert the said water is as follows: A ditch . . . inches by . . . inches, in size, which carries and conducts 400 inches of water from Dry Creek; which said ditch diverts the waters from said stream at a point upon its left bank and runs thence westerly and parallel to said Dry Creek across and upon said land. Said ditch heads on the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 29, Twp. 18 N. R. 19 West. Also a ditch...feet by...feet in size, which carries and conducts 200 inches of water from said Dry Creek, diverting the water from said stream on its left bank in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 33, Twp. 18 N. R. 19 W. and runs westerly parallel to said Dry Creek, thence over and upon said land (or mining claim).

IV. That it appropriated and took the water conducted by the first mentioned ditch, which carries 400 inches of water in the summer of 1899, and the water conducted by the second mentioned ditch, which carries 200 inches of water in the summer of 1901.

V. That the name of the appropriator of said water is Ursuline Nuns of St. Ignatius, Mission, Montana.

VI. That it also hereby claim said ditch and the right of way therefor, and for said water by it conveyed, or to be conveyed, from said point of appropriation to said land or point of final discharge and also the right of location upon any lands of any dunes, flumes, reservoirs, constructed or to be constructed, by it, in appropriating, and in using said water.

10,800 Acre St

VII. That it also claim the right to keep in repair and to enlarge said means of water appropriation at any time, and the right to dispose of the said right, water, ditch, or said appurtenances in part or whole, at any time.

CLAIMING THE SAME, ALL AND SINGULAR, Under any and all laws National and State and all rulings and decisions thereunder, in the matter of water rights.

TOGETHER WITH ALL AND SINGULAR, The hereditaments and appurtenances thereunto belonging and appertaining, or to accrue to the same.

WITNESS the hand of said Ursuline Nuns of St. Ignatius, Mission, Montana, at Missoula, Montana, this 19th day of December, 1907.

Ursuline Nuns,
By Sister Scholastica, Its, Agent. Superior

STATE OF MONTANA)
) ss
County of Missoula)

Sister Scholastica, having first been duly sworn, depose... and say that she is of lawful age and is the Agent of Ursuline Nuns of St. Ignatius Mission, appropriator and claimant of the water and water right mentioned in the foregoing notice of appropriation and claim, and the appropriator whose name is subscribed thereto, as the appropriator and claimant, that she knows the contents of said foregoing notice and that the matters and things therein stated are true.

Ursuline Nuns,
By Sister Scholastica, Supr.

Subscribed and sworn to before me, this 31st day of January, A. D. 1908

(SEAL)

George H. Beckwith, Notary Public in and for
Missoula County, Montana

Received for record the 4th day of February, 1908 at 9:00 o'clock A.M.

W. H. Smith, County Recorder
By Deputy

[illegible]

Sisters of Charity

TRIPS

17.
Pitch

~~WASH. STATE COMMERCE~~

...

7

11

10

10

10

1

...

1

[illegible]

100

THE

[illegible]

100

100

11

1990

Abstract

[illegible][illegible]

...the ...

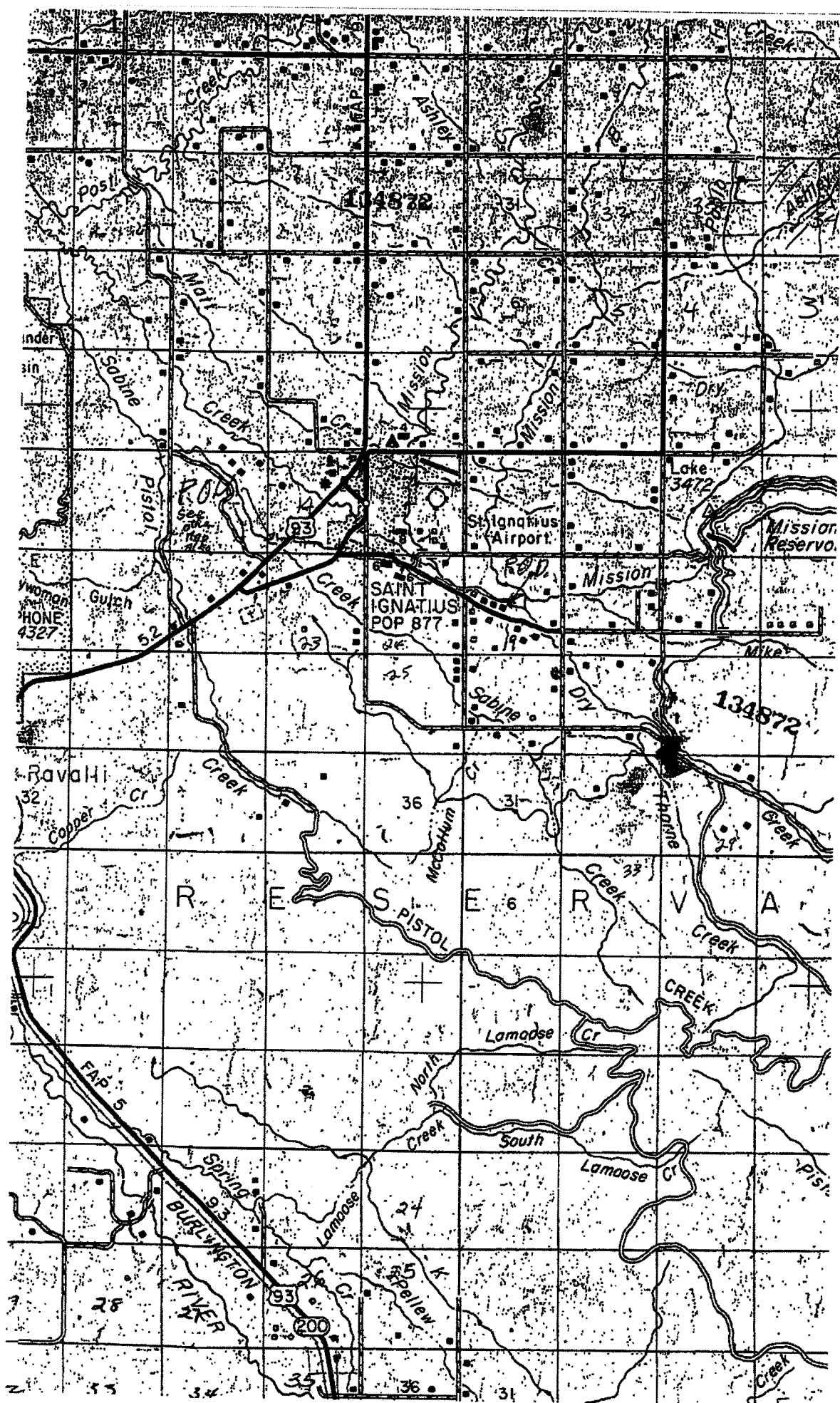
100

13

1

[REDACTED]

P.O. 2



SW 1/4 SW 1/4 14-18-20

STATEMENT OF CLAIM CHECKLIST

FORM TYPE: 1 S D O

OK	NOT OK	
☒	☐	Received
☒	☐	Basin
☒	☐	County
☒	☐	Division
☒	☐	Transmittal
☒	☐	Fee
		<u>134872</u>

FORM ITEMS

	OK	NOT OK	
1	☒	☐	
2	☒	☐	
3	☒	☐	
4	☒	☐	
5	☒	☐	
6	☒	☐	
7	☒	☐	
8	☒	☐	
9	☒	☐	
10	☒	☐	
11	☒	☐	
12	☒	☐	
13	☒	☐	
14	☒	☐	
15	☒	☐	
16	☒	☐	

Checked by

JJ Rank, 5-17-1982
Date

DEFICIENT:

 Phoned /
 Number Date

 Sent Letter /
 To Date

Correction Deadline:
Date

 Form Corrected
Date

 Incomplete Form & Correspondence Sent To Helena

☐ See notes on reverse side

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

05/31/83

ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

CLAIM ID 76L -W-134872-00 PRIORITY DATE: 00:00 03/00/1910 TYPE OF RIGHT: FILED CLAIM RECEIVED: 03/04/82 FEE PAID: \$40
TYPE CODE: S MAX RATE: 1.25 C (50.00 MI) MAX VOLUME: 724.00 AF/YEAR MAX ACRES: 44.00

OWNERS: (M) C-URSULINE SISTERS
ST IGNATIUS MISSION

ST IGNATIUS MT 59885

SOURCES: DV 01 MISSION CREEK

LOT BLK QTR SEC SEC TWP RGE CO

USE: IN 01

44.00
124.00 ACRES PERIOD OF USE 000019999700

TYPE IRR F CLIMATIC AREA'S

PARCELS: 001

ACRES VER. ACRES WRS 19 19

LOT BLK QTR SEC SEC TWP RGE CO

REMARKS

TOTAL

44.00

14 18N 20W LA SEE REMARKS

ADDENDUMS: ☒ YES ☐ NO COMMENTS SEE PARCEL RECORD

SUPPLEMENTAL IF REP. RIGHT: MAX COMBINED VOLUME FOR ALL RIGHTS AF MAX COMBINED ACRES FOR ALL RIGHTS

RIGHTS: IF SUPPLEMENTAL RIGHT: PURPOSE ID AND CLAIM ID OF REP. RIGHT

COMPARISON STATISTICS: FLOW RATE 1.25 C (4.675 GPM/AC)

VOLUME 724.00 (6.033 AF/AC)

VOLUME BASED ON FLOW RATE AND PERIOD OF USE

458.773 AF/YR - UNDER CLAIMED VOLUME

BASIN OK:

☒ YES ☐ NO COMMENTS

CLIMATIC AREA OK:

☒ YES ☐ NO COMMENTS

SOURCE NAME OK:

☒ YES ☐ NO COMMENTS ADDED PER CLAIM FORM & 1953 TAP

TYPE CD (S/G) OK:

☒ YES ☐ NO COMMENTS

PDD OK: DV 01

☒ YES ☐ NO APPEARS CORRECT UNVERIFIED COMMENTS

MNS DIVRS OK:

☒ YES ☐ NO APPEARS CORRECT UNVERIFIED COMMENTS

POU OK: ACTUAL RANGE

111.6 - 128.4

CHANGED PER CLAIMANT'S MAP SHOWS PDD OF SISTERS
DITCH IN NENESE SEC 19 T14N
R19W.

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

05/31/83

CLAIM ID 76L -W-134872-00 (CONTINUED)

PROOF OF USE: CLAIMED FLOW RATE OK: ☒ YES ☐ NO COMMENTS _____
CLAIMED PRY DATE OK: ☒ YES ☐ NO COMMENTS MONTH AND YEAR
FLOW RATE OK: ☒ YES ☐ NO ☐ APPLY STANDARD COMMENTS _____
VOLUME OK: ☒ YES ☐ NO ☐ APPLY STANDARD COMMENTS PER NEW ACRES
PRIORITY DATE OK: ☒ YES ☐ NO COMMENTS APPROX MARCH 10, 1910 PER ATTACHED FILING APPROPRIATION.
PERIOD OF USE OK: ☒ YES ☐ NO ☐ APPLY STANDARD COMMENTS _____

AIR PHOTO VERIFICATION OF DEVELOPMENT: PHOTO 1029-94 PHOTO DATE 9-24-79
PHOTO _____ PHOTO DATE _____
PHOTO _____ PHOTO DATE _____
TELEPHONE CONTACT: ☒ YES ☐ NO DATE COMPLETED 11/20/1984 BY JD COMMENTS PHONE CONTACT WITH JAMES JENSEN
LETTER CONTACT: ☒ YES ☐ NO DATE COMPLETED 03/02/1985 BY JD COMMENTS NUMBER OF CLAIMED ACRES DOES NOT AGREE WITH
OWNERSHIP: ☒ YES ☐ NO DATE COMPLETED 08/23/1984 BY RR COMMENTS MAPS OR OWNERSHIP
INTERVIEW: ☒ YES ☐ NO DATE COMPLETED 1/1 BY _____ COMMENTS _____
FIELD INVESTIGATION: ☒ YES ☐ NO APPROVED BY _____ DATE CHECKED 1/1 BY _____ COMMENTS _____

GENERAL REMARKS: MR. JENSEN WILL SEND A NOTARIZED STATEMENT RE: NO. OF ACRES IRRIGATED BY
THE DASHLINE SISTERS NOW, ALONG WITH NEW MAPS. JD 11-20-84
PHONE CONVERSATION WITH MR. JENSEN ON 3-12-85.
- THE SISTERS DID OWN 100 ACRES YEARS AGO BUT NOW OWN ABOUT 87 ACRES
OF WHICH ABOUT 60 ARE IRRIGATED.
- WILL SEND AMENDED NOTARIZED CLAIM FORM WITH AMENDED ACRES ALONG
WITH A NEW MAP.

PLACE OF USE ON AMENDED CLAIM IS POORLY DEFINED. WAS ABLE TO ADJUST PER
MAPS OF CLAIMANT'S, AERIALS AND OWNERSHIP CONQUERED BY US.
(SNYDER LETTER OF 10-15-85 AMENDS THIS CLAIM TO 74 TOTAL ACRES)

INVESTIGATED BY Judy Jensen DATE 11/20/1984
REVIEWED BY _____ DATE 1/1

WATER RIGHT DATA BASE CODING FORM PARCEL RECORD

PARCEL RECORD: 111 ACTION A GEN CODE Y GEN 01 BASIN 76L ID CODE W ID NUMBER 134872 EXT ID 00

PURP ID	PRCL ID	ACRES	LOT	BLOCK	QUARTER SECTION	CNTY	TWP	RGE	SEC
					Q4 Q3 Q2 Q1				
1	2	002		2700		76	L	1	34

PURP ID	PRCL ID	ACRES	LOT	BLOCK	QUARTER SECTION	CNTY	TWP	RGE	SEC
					Q4 Q3 Q2 Q1				

PURP ID	PRCL ID	ACRES	LOT	BLOCK	QUARTER SECTION	CNTY	TWP	RGE	SEC
					Q4 Q3 Q2 Q1				

PURP ID	PRCL ID	ACRES	LOT	BLOCK	QUARTER SECTION	CNTY	TWP	RGE	SEC
					Q4 Q3 Q2 Q1				

PURP ID	PRCL ID	ACRES	LOT	BLOCK	QUARTER SECTION	CNTY	TWP	RGE	SEC
					Q4 Q3 Q2 Q1				

PURP ID	PRCL ID	ACRES	LOT	BLOCK	QUARTER SECTION	CNTY	TWP	RGE	SEC
					Q4 Q3 Q2 Q1				

PURP ID	PRCL ID	ACRES	LOT	BLOCK	QUARTER SECTION	CNTY	TWP	RGE	SEC
					Q4 Q3 Q2 Q1				

PURP ID	PRCL ID	ACRES	LOT	BLOCK	QUARTER SECTION	CNTY	TWP	RGE	SEC
					Q4 Q3 Q2 Q1				

PURP ID	PRCL ID	ACRES	LOT	BLOCK	QUARTER SECTION	CNTY	TWP	RGE	SEC
					Q4 Q3 Q2 Q1				

PURP ID	PRCL ID	ACRES	LOT	BLOCK	QUARTER SECTION	CNTY	TWP	RGE	SEC
					Q4 Q3 Q2 Q1				

PURP ID	PRCL ID	ACRES	LOT	BLOCK	QUARTER SECTION	CNTY	TWP	RGE	SEC
					Q4 Q3 Q2 Q1				

PURP ID	PRCL ID	ACRES	LOT	BLOCK	QUARTER SECTION	CNTY	TWP	RGE	SEC
					Q4 Q3 Q2 Q1				

WATER COURTS 76L
Supplemental Document
Claim # N/134872-00

RECEIVED

OCT 15 1985

MONTANA D.N.R.C.
KALISPELL FIELD OFFICE

David and Sandy Snyder
Box 57
Marion, Montana 59925

October 15, 1985

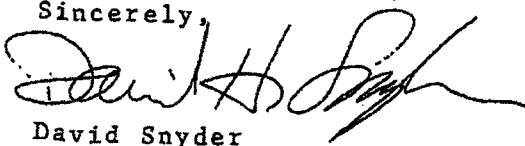
Department of Natural Resources
Hwy 93 South
Kalispell, MT. 59901

RE: W/134872-00 76L

To whom it may concern:

We wish to amend our existing water rights of 120 irrigated acres to 44 irrigated acres. The 44 acres will consist of 17 acres in section 14 and 27 acres in section 15, township 18N, Range 20W, Lake County.

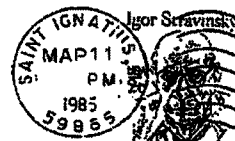
Sincerely,


David Snyder

CLAIMANT
Supplemental Document
CLAIM # W/134872-00

DS/ss
cc/file

James B. Jensen Jr.
Rt (Box 225
St Ignace, MT
59865



CLAIMANT
Supplemental Document
CLAIM # 70L-W-134872

State of Montana
Box 860
Kalispell, MT 59903

Amended 134872

STATEMENT OF CLAIM FOR EXISTING WATER RIGHTS IRRIGATION

RECEIVED

MAR 13 1985

For the Water Courts of the State of Montana

MONTANA D.N.R.C.
KALISPELL FIELD OFFICE

8:20 AM JC

1. Owner of Water Right Urgu / meisters /
Last First Middle InitialCo-Owner or Other
Interest Owner _____ / _____ / _____
Last First Middle InitialAddress 639 Angela DriveCity Santa Rosa State Calif Zip Code 95401Home Phone No. _____ Business Phone No. 707-245-68612. Person completing form Jenson / James / B
Last First Middle InitialAddress RT 1 Box 225City St Ignace State MT Zip Code 59865Home Phone No. 406-785-3171 Business Phone No. _____

3. Name of ditch, creek or river _____

Use: ☒ Irrigation4. Method of Irrigation Use: ☐ Sprinkler ☐ Furrow ☒ Flood

5. Source of Water: (Check Only One)

☐ Spring Name _____☐ Well Name _____☒ Stream Name Mission Creek☐ Lake Name _____

Tributary of _____

☐ Reservoir Name _____ Stream _____

Tributary of _____

6. Point of Diversion: County LakeNW 1/4 NW 1/4 1/4, Section 22, T 18 N/S, R 19 E/W

Lot _____, Block _____, Subdivision _____

7. Means of Diversion:

☐ Pump Capacity _____ gpm☒ Headgate and ditch or pipe☐ Flood and dike

8. Means of Conveyance:

☒ Ditch☐ Pipeline☐ Other: Explain _____

CLAIMANT

Supplemental Document

CLAIM # 134872
Tributary of _____

Stream _____

Stream _____

9. Place of use and acres irrigated.

County Lake

60 acres, _____ Lot, _____ Block, 1/4 SW 1/4 SE 1/4, Section 14, T 18 N/S, R 20 E/W
 _____ acres, _____ Lot, _____ Block, _____ 1/4 _____ 1/4 _____ 1/4, Section _____, T _____ N/S, R _____ E/W
 _____ acres, _____ Lot, _____ Block, _____ 1/4 _____ 1/4 _____ 1/4, Section _____, T _____ N/S, R _____ E/W
 _____ acres, _____ Lot, _____ Block, _____ 1/4 _____ 1/4 _____ 1/4, Section _____, T _____ N/S, R _____ E/W
 _____ acres, _____ Lot, _____ Block, _____ 1/4 _____ 1/4 _____ 1/4, Section _____, T _____ N/S, R _____ E/W
60 Total acres. Subdivision _____

10. Flow rate claimed: 50

- ☐ cubic feet per second
☐ gallons per minute
☒ miner's inches

11. Volume claimed: 1724

acre-feet per year

12. Period(s) of use: May 1 1 to Oct 1 31

Month

Day

Month

Day

13. Check one:

- ☐ Decreed Water Right
☒ Filed Appropriation Right
☐ Use Water Right

Priority date or date of first use

Hour

Month

Day

Year

14. Attach copies of the Decree, Record of Filing or Proof of Use Right.

15. Attach copies of aerial photographs, U.S. Geological Survey maps or such other documents necessary to show point of diversion, place of use, place of storage, and conveyance facilities.

16. Notarized Statement signed by claimant.

STATE OF MONTANA.

County of Lake

)
 :ss.

I, James B. Jenson Jr., having been duly sworn, depose and say that I, being of legal age and being the claimant of this claim of existing water right, and the person whose name is signed to it as the claimant, know the contents of this claim and the matters and things stated there are true and correct.

James B. Jenson Jr.

Subscribed and sworn before me, this 11th day of March 19 85.

Frances Carey
 Notary Public for the State of Montana

Residing at St. Ignace, Mt.

My Commission expires Nov 1, 1985

CLAIMANT
Supplemental Document
CLAIM # 76L-134872

Claim # 76L-W-134872

VERIFICATION OF PARCELS

NOT ON ABSTRACT

NOTE: See abstract for total number of acres.



MONTANA WATER COURTS

STATE OF MONTANA

March 7, 1985

WATER JUDGES:

Upper Missouri River Basin
Chief Judge W. W. Lesley
P.O. Box 876
Bozeman, MT 59715

Lower Missouri River Basin
Judge Bernard W. Thomas
P.O. Box 938
Chinook, MT 59523

Clark Fork River Basin
Judge Robert M. Holter
Lincoln County Courthouse
Libby, MT 59923

Yellowstone River Basin
Judge Roy C. Rodeghiero
P.O. Box 448
Roundup, MT 59072

James B. Jenson, Jr.
Route 1, Box 225
St. Ignatius, MT 59865

WATER COURTS
Supplemental Document
Claim # 76L-W-134872

Dear Water Right Claimant:

Your Water Courts are adjudicating your water right and we have reached the stage of reviewing the individual claims.

The Water Courts have directed the Department of Natural Resources and Conservation to examine the accuracy of each water claim submitted. This task, with over 200,000 claims, means that the Department cannot confirm each part of your claim as accurate. We expect the Department to make every possible effort on their own, but they will need your aid, your information in helping them. We need your help to confirm the claim that will go into the preliminary decree. If this can be done, it will avoid the necessity for you to appear before the Court for changes and to prove your position. So, when you get this call from an adjudication division of the Department of Natural Resources, think of it as part of our mutual task to see that your water rights are protected, adjudicated and are correct.

Clearly, what you and the Water Courts want is a clear adjudicated claim.

If you help the Department when they ask for information or help, your claim can be accurate now with fewer problems. If any, after the preliminary decree is issued.

Sincerely,

Robert M. Holter
Water Judge - Clark Fork River Division

RMH/cj

COPY

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
KALISPELL FIELD OFFICE



TED SCHWINDEN, GOVERNOR

P.O. BOX 860

STATE OF MONTANA

(406) 752-2298

March 7, 1985

KALISPELL, MONTANA 59903

James B. Jensen, Jr.
Route 1, Box 225
St. Ignatius, MT 59865

CLAIM NO.(S) W-134872-76L

DEAR WATER RIGHT CLAIMANT:

We are reviewing your statement of claim form. In accordance with the instructions given to the Department of Natural Resources and Conservation by the Water Courts we are making an individual review of your statement of claim for accuracy. This is our second attempt to obtain more information on the following marked item(s):

WATER COURTS
Supplemental Document
Claim # 76L-W-134872

- ☐ Not Signed
- ☐ Not Notarized
- ☐ Fee Not Submitted
- ☒ Map ~~Not~~ Attached *BUT NOT IN AGREEMENT WITH CLAIMED ACRES*
- ☐ Copy of Filing Not Attached
- ☐ Copy of Pertinent Portion of Decree Not Attached
- ☐ Proof of Use Right Not Attached
- ☐ Blank Item on Form/Item(s) Number _____
- ☒ General Explanation *THE NUMBER OF ACRES NOW IRRIGATED*

COPY

BY THE SISTERS IS NEEDED. PLEASE SEND NOTARIZED STATEMENT TO THAT EFFECT PER OUR PHONE CONVERSATION OF 11-20-1984.

This is by no means a judgement on the validity of the claimed water right or the information present. This is just an attempt to see that all facts surrounding your water right are presented in the best possible manner. If we do not obtain additional information, your right may be issued in the Preliminary Decree with incorrect or inadequate information.

Please contact this Field Office within the next 30 days to discuss this matter. Otherwise, the claim will be forwarded to the Water Courts as is. Thank you.

Direct all inquiries to this office: Judy Jeniker
P.O. Box 860
Kalispell, MT 59903
Phone: (406) 752-2288

Judy Jeniker

CC: Sister Celeste Dempsey, O.S.U.

RECEIVED

MAR 13 1985

MONTANA D.N.R.C.
KALISPELL FIELD OFFICE

E-521

E-518

E-1212

A 43.6

P.646

E-522

C 23.6

CLAIMANT

Supplemental Document

76L-W-134872

272-142

OWNERSHIP

CLAIM
APPLICATION NO. W134872-00

COUNTY LAKE

APPLICANTS NAME(S) URSULINE SISTERS

DECREE YES ☐ NO ☒

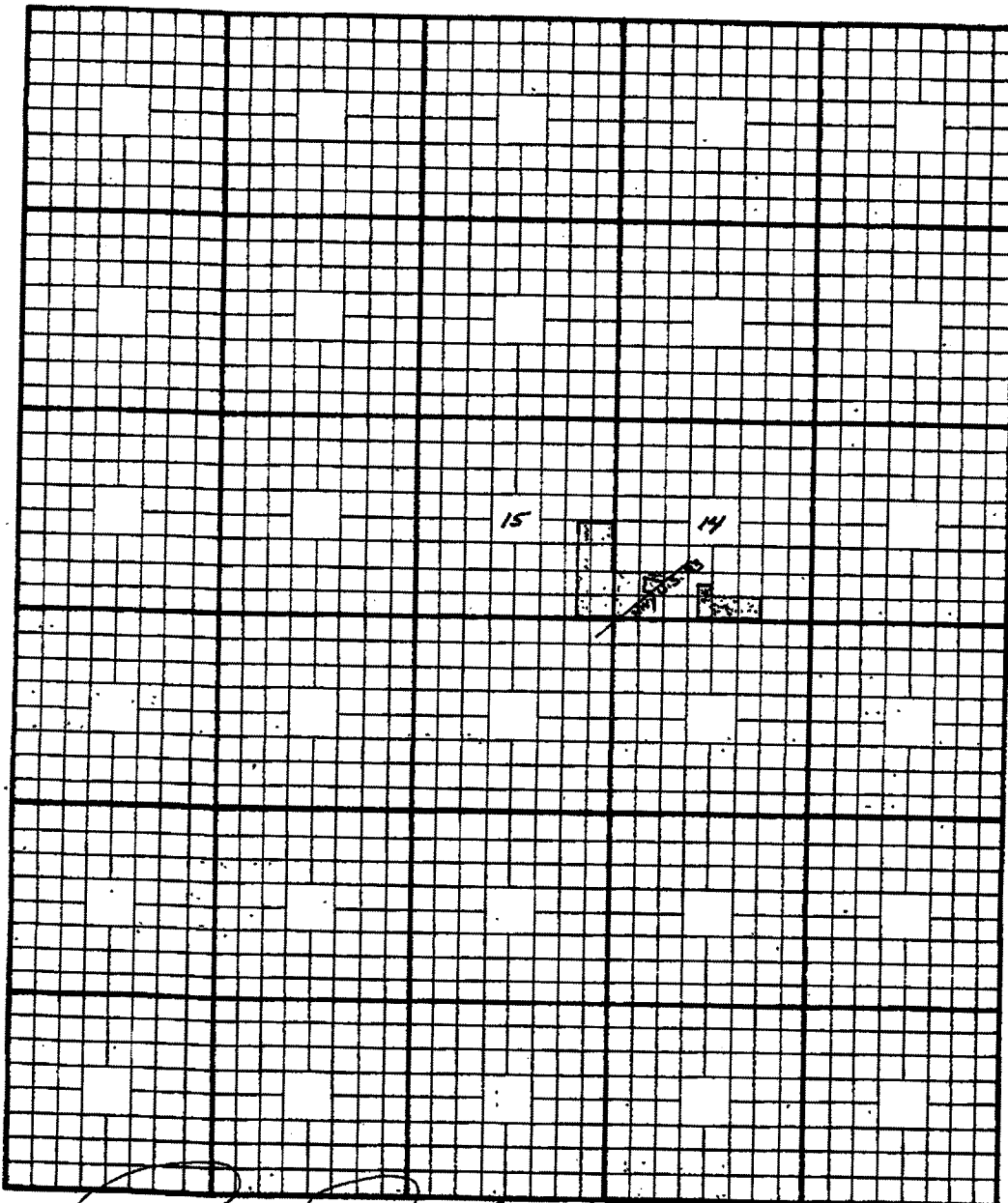
INDIAN RESERVATION YES ☒ NO ☐

IRRIGATION DISTRICT YES ☐ NO ☒

FORMATION OR SOURCE MISSION CREEK

WATER COURTS
Supplemental Document
Claim # 134872 76L

LAND DESCRIPTION OF P.O.D. SE 1/4 NW 1/4 SEC. 19 Twp 18N RGE 19W



ANALYST Richard E. Russell

DATED 08-23-1984

LAND OWNER	Name & Address	Sec.	TWSP.	Rge.	SHORT LEGAL
URSULINE CONVENT OF THE HOLY FAMILY		15	18N	20W	E 1/2 E 1/2 SE 1/4, 1/2 E 1/2 W 1/2 E 1/2 SE 1/4 ABOVE = 60 A.
"		14	18N	20W	TRACT IN, SW 1/4 SW 1/4 27.378 A.
U.S.A. IN TRUST FOR CONFEDERATED SALISH & Kootenai TRIBES		14	18N	20W	TRACT IN, SE 1/4 SW 1/4 & SW 1/4 SE 1/4 28.25 ACRES
NEVA ELAINE HAYES CRAWFORD		14	18N	20W	TRACT IN, SW 1/4 SW 1/4 3.03 ACRES

ALL THE ABOVE LAND WAS OWNED AT ONE TIME BY
THE URSULINE CONVENT OF THE HOLY FAMILY.

THE ABOVE LAND EQUALS ABOUT 120 AC. IF YOU
ADD IN RIGHT OF WAY EASEMENTS.

REFERENCE

OWNERSHIP OBTAINED BY

DATE _____

Ursuline Provincials

*639 Angela Drive
Santa Rosa, California 95401*

February 23, 1982

134871

RECEIVED

MAR 4 1982

**MONTANA D.N.R.C.
KALISPELL FIELD OFFICE**

John R. Rauk
Application Specialist
Water Rights Bureau
Kalispell, Mt.

Dear Mr. Rauk:

We have now completed our forms and had them notarized. Should there be further inquiries, please contact

James B. Jenson, Jr.
Rt. 1, Box 225
St. Ignatius, Mt. 59865 Phone: 745-3171

Thank you very much for helping take care of this matter.

Sincerely,

Sister Celeste Dempsey, O.S.U.

Sister Celeste Dempsey, O.S.U.
Provincial

**WATER COURTS
Supplemental Document
Claim # 76L - W-134872**

RECEIVED

AUG 13 1985

WATER RIGHT TRANSFER CERTIFICATE**DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
AND WATER COURTS OF MONTANA**

INSTRUCTIONS

The Department of Natural Resources and Conservation (DNR) requires that all water right transfers be recorded with the Department of Natural Resources and Conservation. A person who fails to do so is liable for a maximum \$50 penalty. Both buyer and seller must sign and notarize the completed form. Submit it with the required \$10 filing fee to your area field office listed on the backside of this form. Do not use this form if you are a user of a municipal or irrigation district water system.

BY _____

FOR DEPARTMENT USE

Date received 8-13-85
 By J. Colter
 Fee received 5.00 CR# 81461
 Transmittal No. OB-007-01-
 Reviewed by AL
 BASIN 76L
 Coded OLA 9-13-85

(type or print in ink)

1. WATER RIGHT(S) TRANSFERRED: Indicate all of the water rights transferred. Attach a list if necessary.

- ☐ (P) Permit to Appropriate Water No(s). _____
- ☐ (C) Certificate of Water Right No(s). _____
- ☒ (W) Statement of Claim No(s) 134872-76L and 134871-76L
- ☐ (Y/D) Final Decreed Right No(s). _____
- ☐ (E) Exempt Existing Water Right No(s). _____

(If Exempt and the right is not already on record with the Department, you must complete and submit an Addendum for Exempt Existing Water Right, Form 608-B.)

2. MEANS OF REALTY TRANSFER:

- ☐ Deed recorded in: County _____ Bk. _____ Pg. _____ Doc. No. _____
- ☒ Contract for Deed / Notice of Purchasers Interest recorded in: _____
- County Lake County Bk. _____ Pg. _____ Doc. No. _____
- ☐ Court Decree Recorded in: _____
- County _____ Bk. _____ Pg. _____ Doc. No. _____
- ☐ Other, explain: _____

3. IS THERE A DIVISION OR SPLIT OF THE WATER RIGHT(S)?

- ☐ YES. If more than one water right is listed in No. 1 above, list which water right numbers have been split.

Complete one Addendum for Apportioned Water Right, Form 608-A, for each split right, showing what portion of the water right the buyer received and what portion the seller retained.

- ☒ NO. The buyer received the entire water right(s), 100%.

4. BUYER'S NAME(S): Print the complete names, mailing addresses, and phone numbers of the persons who received the water right(s).

Name David H. and Sandy E. Snyder Phone No. 854-2634

Mailing address P.O. Box 57, Marion, MT 59925

Name _____ Phone No. _____

Mailing address _____

5. SELLER'S NAME(S): Print the complete names, mailing addresses, and phone numbers of the persons selling the property and water right(s). If the land is on contract for deed and the seller wants to remain on record for notification purposes only, check yes. YES ☒

Name Ursuline Sisters Phone No. (707) 545-6811

Mailing address 639 Angela Drive, Santa Rosa, CA 95401

Name _____ Phone No. _____

Mailing address _____

76L W134872

6. PERSON/AGENCY COMPLETING FORM: Name Ingraham Law Office

Address Drawer 2, Ronan, MT 59864 Phone No. 676-0600

7. INTERESTED PARTIES: If there are other persons who are to receive notice of adjudication proceedings concerning the water rights(s), list their complete names, mailing address and phone numbers.

Name _____ Phone No. 0-17-11

Mailing address _____

Name _____ Phone No. _____

Mailing address _____

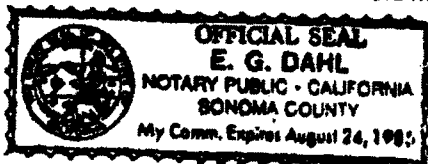
8. REMARKS Use this space to further explain any of the items.

9. SIGNATURES:

✓ A. Seller's Signature(s) Sister Mauna Murphy, owner Date July 31, 1985

Sister M. Cyril Thompson, owner Date July 31, 1985

✓ Subscribed and sworn before me this 31st day of July 1985



Notary of the State of California

Residing at Santa Rosa, Ca

My Commission expires Aug 24, 1985

B. Buyer's Signature(s) Dan H. H. H. Date 8-13-85

Date _____

Subscribed and sworn before me this 13th day of Aug. 1985

Notary of the State of Montana

Residing at Kalispell, MT

My Commission expires 10/1/85

WATER RIGHTS BUREAU FIELD OFFICES

HAVRE

1708 W 2nd St
P.O. Box 1828
Havre, Montana 59501
Phone: 265-5516
Serving: Blaine, Chouteau, Glacier,
Hill, Liberty, Pondera, Teton and
Toole Counties

MISSOULA

2101 Bow Street
P.O. Box 5004
Missoula, Montana 59806
Phone 721-4284
Serving: Missoula, Granite, Ravalli,
and Mineral Counties.

GLASGOW

110 5th Street South, Room 106
P.O. Box 894
Glasgow, Montana 59230
Phone: 228-2561
Serving: Daniels, Dawson, Garfield,
McCone, Phillips, Richland,
Roosevelt, Sheridan and Valley
Counties.

HELENA—Office Location

28 So Rodney
Mailing Address:
32 South Ewing
Helena, Montana 59601
Phone: 444-6695
Serving: Deer Lodge, Bowen,
Lewis and Clark, Broadwater,
Silver Bow, Jefferson
Beaverhead Counties

BOZEMAN

1201 East Main
Bozeman, Montana 59715
Phone: 586-3136
Serving: Gallatin, Park and Madison
Counties

BILLINGS

1537 Avenue D, Suite 352
Billings, Montana 59102
Phone: 657-2105
Serving: Big Horn, Carbon, Stillwater,
Treasure, Yellowstone and Sweet
Grass Counties

KALISPELL

3220 Highway 93 South
P.O. Box 860
Kalispell, Montana 59903-0860
Phone: 752-2288
Serving: Flathead, Lake, Lincoln
and Sanders Counties.

LEWISTOWN

613 NE Main Street
P.O. Box 438
Lewistown, Montana 59457
Phone: 538-7459
Serving: Cascade, Fergus, Golden
Valley, Judith Basin, Meagher,
Musselshell, Petroleum and
Wheatland Counties.

MILES CITY

5 North Prairie
P.O. Box 276
Miles City, Montana 59301
Phone: 232-6359
Serving: Carter, Custer, Fallon,
Powder River, Prairie, Rosebud
and Wibaux Counties.

FILMED
JUL - 7 1985

WATER RIGHT TRANSFER CERTIFICATE

CHECKLISTDEPARTMENT USE BLOCK (check if OK)Date Rec'd OK ☒ Fee OK ☒ Transmittal No. Completed ☒FORM CHECK (indicate No or Yes; if No, explain/document the corrections made under Comments)

- ☒ 1. All water right numbers are accurately listed.
- ☒ 2. The means of transfer is complete and/or adequately explained.
- ☒ 3. Is complete.
 For any split rights; 608A's, flow charts, additional documentation are attached.
 Any inferred new uses, changes or sever/sells have been checked out.
- ☒ 4. Buyer's names and addresses are correct and complete.
- ☒ 5. Seller's names and addresses are correct and complete.
 If seller is not current owner of record, documentation substantiating his/her ownership is below or attached.
- ☒ 6. Is OK.
- ☒ 7. Is completed and there are parties to include in SB proceedings.
- ☒ 8. Is OK.
- ☒ 9. Both signatures are OK and notarized.
- ☒ 10. Water Courts Copy has been made and sent (if applicable).

FILMED

OCT - 7 1985

BY _____

COMMENTS / DOCUMENTATION / INSTRUCTIONS TO RECORDS (by Item number)

Item Comments

2 DOCH# OBTAINED FROM LAKE COUNTY C&R!

continued, see attached

ANALYST: AL RussellDATE: 9/4/85

WATER RIGHT INFORMATION
OWNER DATA
CURRENT OWNER: DAVID H. SANDY, SNW059
PREVIOUS OWNERS: MARION STEIN, SNW059
WATER RIGHT DATA
WATER RIGHT NUMBER: 106
APPROPRIATION DATE: 03/00/1910
PRIORITY DATE: 03/00/1910
PROCESSING STATUS: 00/00/00
FEE PAID: 00/00/00
BATCH NUMBER: 110
LIMITS FOR WATER RIGHT
MAXIMUM RATE: 25 CFS
MAXIMUM VOLUME (AFY): 724.00
MAXIMUM ACRES: 120.00
DIVERSION DATA
MEANS OF DIVERSION: (H) HEADGATE WITH DITCH OR PIPELINE
DIVERSION RATE: 25 CFS
MAXIMUM RATE: 25 CFS
PURPOSE DATA
TYPE OF USE: (I) IRRIGATION
LIMITS OF USE
RATE: 25 CFS
VOLUME: 724.00
ACRES IRRIGATED: 120.00
PARCEL DATA
NUMBER: 120.00
ACRES: 120.00
LOT: 120.00
BLOCK: 120.00
SECTION: 120.00
TWP: 120.00
RANGE: 120.00
COUNTY: 120.00
STATE: 120.00
REMARK DATA
(T) NOTICE OF TRANSFER RECEIVED
TEXT: 650613

FILED

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

CLAIM ID 76L -W-134872-00

ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

10/02/85

CLAIM ID 76L -W-134872-00 PRIORITY DATE: 00:00 03/00/1910 TYPE OF RIGHT: FILED

CLAIM RECEIVED: 03/04/82 FEE PAID: 340

TYPE CODE: S MAX RATE:

1.25 C

(

50.00 MI) MAX VOLUME:

724.00 AF/YEAR

MAX ACRES:

120.00

OWNERS:

(M) I SKYDER
BOX 57

DAVID

H

(N) I SKYDER
BOX 57

SANDY

E

MARION

MT

59925

MARION

MT

59925

(T) C URSULINE SISTERS
639 ANGELA JR

SANTA ROSA

CA

95401

LOT BLK QTR SEC SEC TWP RGE CO

NWN 29 18N 19W LA MEANS DIVRS-HS

SOURCES: DV 01

MISSION CREEK

USE: IR 01

120.00 ACRES

PERIOD OF USE 000019999700

TYPE IRR

CLIMATIC AREA 3 VOLUME STD: ..

PARCELS: ACRES

VER. ACRES WRS 19

19

LOT BLK

QTR SEC SEC

TWP RGE CO

REMARKS

001

120.00

S2SWSE 14 18N 20W LA

TOTAL

120.00

REMARKS: TR 01 850613

ADDENDUMS: YES NO (DIVRS RSRV POU RNRK OWNER) COMMENTS

SUPPLEMENTAL IF REF. RIGHT, MAX COMBINED VOLUME FOR ALL RIGHTS AF MAX COMBINED ACRES FOR ALL RIGHTS

RIGHTS: IF SUPPLEMENTAL RIGHT, PURPOSE ID AND CLAIM ID OF REF. RIGHT

***** FIELD VERIFICATION FORM *****

COMPARISON STATISTICS:

FLOW RATE

1.25 C

4.675 GPM/AC

VOLUME

724.00

6.033 AF/AC

** VOLUME BASED ON FLOW RATE AND PERIOD OF USE

458.773 AF/YR (FEASIBLE VOLUME)

BASIN OK:

YES

NO

COMMENTS

CLIMATIC AREA OK:

YES

NO

FROM DNRC CLIMATIC AREA CHART. COMMENTS

SOURCE NAME OK:

YES

NO

(FROM: USGS TOPO MAP SURVEY) COMMENTS

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

CLAIM ID 76L -W-134872-00
10/02/85

CLAIM ID 76L -W-134872-00 (CONTINUED)

TYPE CD (S/G) OK: YES NO COMMENTS

POD OK: DV 01 YES NO APPEARS CORRECT UNVERIFIED (FROM: AERIAL PHOTO USGS QUAD CLMNTS MAP WRS GRID ON FLNG OTHER)
COMMENTS

MEANS DIVRS OK: YES NO APPEARS CORRECT UNVERIFIED (DAM IS INITIAL DIVRS) COMMENTS

POU OK: YES NO (FROM: AERIAL PHOTO USGS QUAD CLMNTS MAP WRS GRID ON FLNG OTHER) COMMENTS

ACTUAL RANGE 111.6 - 128.4 CONTACT POINT: 90.4

GA REMARK NEEDED COMMENTS

PROOF OF USE: CLAIMED FLOW RATE OK: YES NO NONE GIVEN SELF SERV AFF COMMENTS

CLAIMED RTY DATE OK: YES NO NONE GIVEN SELF SERV AFF COMMENTS

FLOW RATE OK: YES NO APPLY STANDARD NOT QUANTIFIED COMMENTS

VOLUME OK: YES NO APPLY STANDARD GA REMARK NEEDED COMMENTS

PRIORITY DATE OK: YES NO (APPLIED LAST MONTH OF YR APPLIED LAST DAY OF MONTH) COMMENTS

PERIOD OF USE OK: YES NO APPLY STANDARD COMMENTS

AIR PHOTO VERIFICATION OF DEVELOPMENT: PHOTO

PHOTO DATE

PHOTO

PHOTO DATE

PHOTO

PHOTO DATE

TELEPHONE CONTACT: YES NO DATE COMPLETED BY COMMENTS

LETTER CONTACT: YES NO DATE COMPLETED BY COMMENTS

OWNERSHIP: YES NO DATE COMPLETED BY COMMENTS

INTERVIEW: YES NO DATE COMPLETED BY COMMENTS

FIELD INVESTIGATION: YES NO APPROVED BY DATE CHECKED BY COMMENTS

WATER COURT CONTACT:

JUDGES RFA YES NO DATE SENT RFA RETURNED TO JUDGE COMMENTS

MASTERS RFA YES NO DATE SENT DATE RETURNED COMMENTS

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

CLAIM ID 76L -W-134872-00
10/02/95

CLAIM ID 76L -W-134872-00 (CONTINUED)
GENERAL COMMENTS:

VERIFIED BY _____ DATE ____/____/____
REVIEWED BY _____ DATE ____/____/____

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

CLAIM ID 76L -W-134872-00

ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

02/21/86

CLAIM ID 76L -W-134872-00 PRIORITY DATE 00100 03/00/1970 TYPE OF RIGHT: FILED CLAIM RECEIVED: 03/04/82 FEE PAID: 340
TYPE CODE: S MAX RATE: 1.25 C (50.00 MI) MAX VOLUME: 724.00 AF/YEAR MAX ACRES: 120.00

OWNERS: (M) I SNYDER SANDY (M) I SNYDER DAVID H
3212 HWY 93 S 3212 HWY 93 S
KALISPELL MT 59901 KALISPELL MT 59901

(C) C UNSOLINE SISTERS
839 ANGELA DR

SANTA ROSA CA 95401

SOURCES: DV-01 MISSION CREEK LOT BLK QTR SEC SEC TWP RGE CO
NWNW 29 18N 19W LA MEANS DIVRS-HG

USE: IR 01 120.00 ACRES PERIOD OF USE 000019999700 TYPE IRR CLINATIC AREA 3 VOLUME STD: --
PARCELS: ACRES VER. ACRES WRS 19 19 LOT BLK QTR SEC SEC TWP RGE CO REMARKS
001 120.00 S2SWSE 14 18N 20W LA
TOTAL 120.00

REMARKS: TR-01 950873

ADDENDUMS: YES NO (DVRs RSRV POU RMRK OMNR) COMMENTS
SUPPLEMENTAL IF REF. RIGHT, MAX COMBINED VOLUME FOR ALL RIGHTS AF MAX COMBINED ACRES FOR ALL RIGHTS
RIGHTS: IF SUPPLEMENTAL RIGHT? PURPOSE TO AND CLAIM ID OF REF. RIGHT

***** FIELD VERIFICATION FORM *****

COMPARISON STATISTICS: FLOW RATE 1.25 C (6.075 GPM/AC)
VOLUME 724.00 (6.033 AF/AC)
VOLUME BASED ON FLOW RATE AND PERIOD OF USE 496.767 AF/YR (FEASIBLE VOLUME)

BASIN OK: YES NO COMMENTS

CLINATIC AREA OK: YES NO FROM DNRC CLINATIC AREA CHART COMMENTS

SOURCE NAME OK: YES NO (FROM USGS TOPO MAP NR SURVEY) COMMENTS

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

CLAIM ID 76L -W-134872-00
02/21/86

CLAIM ID 76L -W-134872-00 (CONTINUED)

TYPE CD (S/G) OK: YES NO COMMENTS

POU OK: BY DT YES NO APPEARS CORRECT UNVERIFIED (FROM: AERIAL PHOTO USGS QUAD CLMNTS MAP WRS GRID ON FLNG OTHER)
COMMENTS

NEARS DIVRS OK: YES NO APPEARS CORRECT UNVERIFIED (DAM IS INITIAL DIVRS) COMMENTS

POU OK: YES NO (FROM: AERIAL PHOTO USGS QUAD CLMNTS MAP WRS GRID ON FLNG OTHER) COMMENTS

ACTUAL RANGE: 111.6 128.5 CONTACT POINT: 90.4

GA REMARK NEEDED COMMENTS

PROOF OF USE: CLAIMED FLOW RATE OK: YES NO NONE GIVEN SELF SERV AFF COMMENTS

CLAIMED PRY DATE OK: YES NO NONE GIVEN SELF SERV AFF COMMENTS

FLOW RATE OK: YES NO APPLY STANDARD NOT QUANTIFIED COMMENTS

VOLUME OK: YES NO APPLY STANDARD GA REMARK NEEDED COMMENTS

PRIORITY DATE OK: YES NO APPLIED LAST MONTH OF YR APPLIED LAST DAY OF MONTH COMMENTS

PERIOD OF USE OK: YES NO APPLY STANDARD COMMENTS

AIR PHOTO VERIFICATION OF DEVELOPMENT: PHOTO PHOTO DATE

PHOTO PHOTO DATE

PHOTO PHOTO DATE

TELEPHONE CONTACT: YES NO DATE COMPLETED BY COMMENTS

LETTER CONTACT: YES NO DATE COMPLETED BY COMMENTS

OWNERSHIP: YES NO DATE COMPLETED BY COMMENTS

INTERVIEW: YES NO DATE COMPLETED BY COMMENTS

FIELD INVESTIGATION: YES NO APPROVED BY DATE CHECKED BY COMMENTS

WATER COURT CONTACT:

JUGGES RFA YES NO DATE SENT RFA RETURNED TO JUDGE COMMENTS

MASTERS RFA YES NO DATE SENT DATE RETURNED COMMENTS

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

CLAIM ID 76L -W-134872-00
02/21/86

CLAIM ID 76L -W-134872-00 (CONTINUED)
GENERAL COMMENTS:

VERIFIED BY _____ DATE ____/____/____
REVIEWED BY _____ DATE ____/____/____

FILE-NO.

ADJ 134872-76L

DNRC WATER RIGHT OWNERSHIP UPDATE

GEO
CODE:
FILED

 PART 1: SALE DATE
6/27/87
 Month/Day/Year

SEE IMPORTANT INFORMATION ON THE BACK OF THIS FORM

 PART 2 - Grantor/Grantee - names must be entered exactly as they appear on the transfer of ownership.
 Seller - Enter grantor's complete name and mailing address, including city, state and ZIP.

SANDY SNYDER
P.O. BOX 599
ST. IGNATIUS, MT. 59865

Daytime Phone #

Buyer - Enter grantee's complete name and assessment notice mailing address, including city, state and ZIP.

DAVE SNYDER
P.O. BOX 788
ST. IGNATIUS, MT. 59865
406-824-2070
 Daytime Phone #

PART 3: Description of Property. If description is too lengthy, please attach a separate page.

Legal Description: NW 1/4

Add/Sub

Attachment ☐

County

LAKE

City/Town

ST. IGNATIUS

Block

Lot

Section 29Township 18N Range 19W

A. WATER RIGHT(S) TO UPDATE

List all water rights which need to have ownership updated. Attach a list if additional space is needed.

Attachment ☐

▶ (W, U, A, B, or O) Statement of Claim No.

▶ (C) Certificate of Water Right No.

▶ (P) Permit to Appropriate Water No.

▶ (E) Exempt Existing Right No.

▶ (D) Powder River Basin Decreed Right No.

▶ Other

B. SELLER

 (person relinquishing the water right): If all seller's signatures are not available, attach a copy of the recorded instrument showing conveyance of the property from the seller to the buyer. If the seller listed is not the person identified as the water right owner in the DNRC records, attach copies of the recorded documents showing chain of title including the legal description.

 Yes ☒ No ☐ Did the buyer receive 100% of the seller's interest in the water rights shown above? If no, attach a map showing buyer's property.

 Yes ☐ No ☐ If the sale is on a contract for deed, does the seller want to remain listed as an owner of the water right?
Seller Signature: PROPERTY SELEMENT

Date:

Seller Signature:

Date:

C. FOR QUESTIONS or CLARIFICATION, WHO SHOULD THE DNRC CONTACT?

Name DAVE SNYDER AddressPhone # 824 2070

D. REMARKS

DIVORCE IN 1987

FOR DEPARTMENT USE ONLY		35686 KVW0640034		WATER RIGHT TRANSFER CERTIFICATE	
Fee Rec'd	40 \$70.00	Check No.	4027	Transmittal No.	
Payor	Dave Snyder				
Refund		Date			
Coder		RO#	8		
For Complete Information. See File				RECEIVED APR 13 2006 MONTANA D.N.R.C. KANSPELL REGIONAL OFFICE	

 COMPLETE AND SEND THIS FORM TO DNRC IF WATER RIGHT OWNERSHIP MUST BE UPDATED
 See reverse side for fee information.

13/377

Darrell W. Worm
MEASURE & OGLE
P.O. Box 918
Kalispell, Montana, 59903-0918
Telephone: (406) 752-6373
Attorneys for

MONTANA ELEVENTH JUDICIAL DISTRICT COURT, FLATHEAD COUNTY

In Re The Marriage Of

Cause No. DR 87-174(B)

DAVID H. SNYDER,
Petitioner,

and

SANDY SNYDER,
Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND DECREE OF DISSOLUTION OF MARRIAGE

THIS MATTER came on for hearing on the 4th day of August, 1987, on the motion of the Petitioner. The Petitioner appeared and was represented by counsel, Darrell S. Worm of the law firm of Measure & Ogle, Kalispell, Montana. The Respondent has failed to answer or otherwise appear within the time allowed by law, and upon the motion of counsel her default was entered. The Petitioner was duly sworn and testified, and from the evidence presented the Court makes the following:

FINDINGS OF FACT

1. The Respondent executed an Acknowledgement Of Receipt Of Summons And Complaint on May 16, 1987, which is on file herein.
2. The parties entered into a common-law marriage relationship in 1977; and, the marriage is irretrievably broken in that there is serious marital discord which adversely affects the attitude of one or both of the parties toward the marriage

-1-

FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND DECREE OF DISSOLUTION OF MARRIAGE

PROPERTY SETTLEMENT AGREEMENT

THIS AGREEMENT is made by and between SANDY SNYDER (the "Wife") and DAVID H. SNYDER (the "Husband").

RECITALS

A. The parties entered into a common-law marriage relationship in 1977, and have held themselves out since that time as Husband and Wife. There have been no children born of their marriage.

B. The parties have hitherto separated, due to serious marital discord, and there is no reasonable prospect of reconciliation.

C. There is presently pending a proceeding for dissolution of the marriage of the parties in the District Court of the Eleventh Judicial District of the State of Montana, County of Flathead.

D. The parties are at present time in good health and neither requires extraordinary medical attention.

E. The parties intend, by this instrument, to set forth their agreements concerning division of their property.

For the reasons set forth above, and in consideration of their mutual promises, Husband and Wife agree as follows:

AGREEMENT

1. SEPARATION AND DISSOLUTION

The parties agree that their marriage is irretrievably broken and there is no reasonable prospect of reconciliation, that their marriage shall be dissolved, and that they shall live separate and apart and each shall be free from the interference of the other as fully as if he or she were unmarried.

2. PROPERTY SETTLEMENT

a. Real Property

The parties own approximately 36 acres of real property with improvements located in St. Ignatius, Montana, and 20 acres of unimproved real property located near Marion, Montana.

The Husband shall have sole title to the St. Ignatius, Montana property, and shall be responsible for the debt secured by said property. The property is subject to a mortgage in favor of the Roman State Bank to secure a portion of said indebtedness, and a portion of the property is being purchased by the parties under a Contract For Deed. The Husband will use his best efforts to obtain releases from the Roman State Bank and the Seller under the Contract For Deed relieving the Wife of any liability on the respective debts.

The Wife shall have sole title to the 20 acres of

INFORMATION UPDATED March 28, 2006**General Parcel Information definitions**

GEOCODE	15275314302030000
OWNCODE	10000
OWNER CLASSIFICATION	Private
COUNTY ASSESSOR CODE	0000012920
SECTION	14
TOWNSHIP	T18NR20W
LEGAL DESCRIPTION	SWSW LESS TRS & HWY 25.84 ACRES
PROPERTY ADDRESS	
ADDITION-SUBDIVISION	
LEVY DISTRICT	152480
COUNTY LEVY DISTRICT	28MF
LEVY DISTRICT NAME	ST IGNATIUS RURAL FIRE
TOTAL FINAL LAND VALUE	\$24,018.00
TOTAL FINAL BUILDING VALUE	\$71,680.00
2003 FULL REAPPRAISAL VALUE	\$95,698.00
2005 TAXABLE MARKET VALUE	\$64,132.00
DEED 1: BOOK, PAGE, DATE (mmdyy)	448, 790D, 6/15/04
OWNER NAME 1	SNYDER DAVID H
TAXPAYER	PO BOX 788
MAILING ADDRESS	ST IGNATIUS, MT 59865-0788

SITE INFORMATION definitions

Characteristic	CAMA Code, (Description)
GEOCODE	15275314302030000
NEIGHBORHOOD	4001
NEIGHBORHOOD TREND	2, (stable)
RESIDENTIAL INDICATOR	dwelling
ACCESS	0, (landlocked/none)
FRONTING	0, (landlocked/none)
LOCATION	0, (none)
TOPOGRAPHY	0, (rural land)
UTILITIES	8, (ag/timber land)
	0, (none)
	0, (none)
	0, (none)

ACREAGE TYPE CLASSIFICATION & VALUATION definitions**IRRIGATION**

INFORMATION UPDATED March 28, 2006**General Parcel Information definitions**

GEOCODE	15275315101030000
OWNCODE	10000
OWNER CLASSIFICATION	Private
COUNTY ASSESSOR CODE	0000012920
SECTION	15
TOWNSHIP	T18NR20W
LEGAL DESCRIPTION	TR A, COS 5688, IN SE4 (49.00 AC)
PROPERTY ADDRESS	
ADDITION-SUBDIVISION	
LEVY DISTRICT	152480
COUNTY LEVY DISTRICT	28MF
LEVY DISTRICT NAME	ST IGNATIUS RURAL FIRE
TOTAL FINAL LAND VALUE	\$20,319.00
TOTAL FINAL BUILDING VALUE	\$213,750.00
2003 FULL REAPPRAISAL VALUE	\$234,069.00
2005 TAXABLE MARKET VALUE	\$157,684.00
DEED 1: BOOK, PAGE, DATE (mmddyy)	408, 466Q, 6/5/00
OWNER NAME 1	SNYDER DAVID H
TAXPAYER	PO BOX 788
MAILING ADDRESS	ST IGNATIUS, MT 59865-0788

SITE INFORMATION definitions

Characteristic	CAMA Code, (Description)
GEOCODE	15275315101030000
NEIGHBORHOOD	4001
NEIGHBORHOOD TREND	2, (stable)
RESIDENTIAL INDICATOR	dwelling
ACCESS	1, (paved road) 0, (landlocked/none)
FRONTING	0, (none)
LOCATION	0, (rural land)
TOPOGRAPHY	8, (ag/timber land)
UTILITIES	7, (well) 8, (septic) 0, (none)

ACREAGE TYPE CLASSIFICATION & VALUATION definitions**IRRIGATION**

April 14, 2006
76L 134872 00

Page 5 of 6
NEW STORAGE
Ownership Update ID#: 35686

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

**ACKNOWLEDGEMENT OF WATER RIGHT
OWNERSHIP UPDATE**

WE HAVE RECEIVED A WATER RIGHT OWNERSHIP UPDATE IN WHICH YOU WERE NAMED AS A PARTY. THE RECORDS MAINTAINED BY THE WATER RIGHTS BUREAU HAVE BEEN CHANGED TO REFLECT THE NEW OWNERSHIP ACCORDING TO THE WATER RIGHT OWNERSHIP UPDATE. THE ABSTRACT BELOW SHOWS THE CURRENT WATER RIGHT INFORMATION. BOTH BUYER AND SELLER HAVE BEEN SENT THIS ACKNOWLEDGEMENT. IF YOU HAVE FURTHER QUESTIONS, PLEASE CONTACT YOUR LOCAL WATER RESOURCES REGIONAL OFFICE.

KALISPELL REGIONAL OFFICE 406-752-3267

Water Right Number: 76L 134872 00 STATEMENT OF CLAIM

Version: 1 - ORIGINAL RIGHT

Version Status: ACTIVE

Owners: DAVID H SNYDER
PO BOX 788
SAINT IGNATIUS, MT 59865

Priority Date: MARCH 31, 1910

Enforceable Priority Date: MARCH 31, 1910

Type of Historical Right: FILED

FOR DATA BASE CONVERSION PURPOSES A DAY OR MONTH AND DAY HAVE BEEN
ADDED TO THE PRIORITY DATE.

Purpose (use): IRRIGATION

Maximum Flow Rate: 1.25 CFS

Maximum Volume: 724.00 AC-FT

Maximum Acres: 120.00

Source:

Source Name: MISSION CREEK

Source type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNW	29	18N	19W	LAKE

Diversion Means: HEADGATE

Period of Diversion: MAY 1 to OCTOBER 31

April 14, 2006
76L 134872 00

Page 6 of 6
NEW STORAGE
Ownership Update ID#: 35686

Purpose (Use): IRRIGATION
Climatic Area: 3 - MODERATE
Volume: 724.00 AC-FT
Period of Use: MAY 1 to OCTOBER 31
Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	120.00		S2SWSE	14	18N	20W	LAKE
Total:	120.00						

Remarks:

NOTICE OF WATER RIGHT TRANSFER RECEIVED 08/13/85.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE ID # 35686 RECEIVED 04/13/2006.

ADJ 134872-76L

DNRC WATER RIGHT OWNERSHIP UPDATE

GEO
CODE:
FILED

 PART 1 - SALE DATE
6/27/87
 Month/Day/Year

SEE IMPORTANT INFORMATION ON THE BACK OF THIS FORM

 PART 2 - Grantor/Grantee - names must be entered exactly as they appear on the transfer of ownership.
 Seller - Enter grantor's complete name and mailing address, including city, state and ZIP.

SANDY SNYDER
P.O. BOX 599
ST. IGNATIUS, MT. 59865
 Daytime Phone # _____

Buyer - Enter grantee's complete name and assessment notice mailing address, including city, state and ZIP.

DAVE SNYDER
P.O. BOX 788
ST. IGNATIUS, MT. 59865
406-824-2070
 Daytime Phone # _____

PART 3 - Description of Property. If description is too lengthy, please attach a separate page.

 Legal Description: NW NW Attachment ☐
 Add/Sub _____ Block _____ Lot _____
 County LAKE City/Town ST. IGNATIUS Section 29 Township 18N Range 19W

A. WATER RIGHT(S) TO UPDATE

 List all water rights which need to have ownership updated. Attach a list if additional space is needed. ☐ Attachment

- ▶ (W, U, A, B, or O) Statement of Claim No. _____
- ▶ (C) Certificate of Water Right No. 76L-134871-00 406-134872 76L-62967
- ▶ (P) Permit to Appropriate Water No. _____
- ▶ (E) Exempt Existing Right No. _____
- ▶ (D) Powder River Basin Decreed Right No. _____
- ▶ Other _____

B. SELLER

 (person relinquishing the water right): If all seller's signatures are not available, attach a copy of the recorded instrument showing conveyance of the property from the seller to the buyer. If the seller listed is not the person identified as the water right owner in the DNRC records, attach copies of the recorded documents showing chain of title including the legal description.

 Yes ☒ No ☐ Did the buyer receive 100% of the seller's interest in the water rights shown above? If no, attach a map showing buyer's property

 Yes ☐ No ☐ If the sale is on a contract for deed, does the seller want to remain listed as an owner of the water right?

 Seller Signature: PROPERTY SETTLEMENT Date: _____
 Seller Signature: _____ Date: _____

C. FOR QUESTIONS or CLARIFICATION, WHO SHOULD THE DNRC CONTACT?

 Name DAVE SNYDER Address _____ Phone # 824 2070

D. REMARKS

DIVORCE IN 1987

FOR DEPARTMENT USE ONLY <u>35686</u> <u>KVW0640034</u>		WATER RIGHT TRANSFER CERTIFICATE	
Fee Rec'd <u>40 \$70.00</u>	Check No. <u>4027</u>	Transmittal No.	Date Rec'd
Payor <u>Dave Snyder</u>		RECEIVED APR 13 2006 MONTANA D.N.R.C. KALISPELL REGIONAL OFFICE	
Refund	Date		
Coder	RO# <u>8</u>		
For Complete Information. See File			

 COMPLETE AND SEND THIS FORM TO DNRC IF WATER RIGHT OWNERSHIP MUST BE UPDATED
 See reverse side for fee information.

13/377

Darrell W. Worm
 MEASURE & OGLE
 P.O. Box 918
 Kalispell, Montana 59903-0918
 Telephone: (406)752-6373
 Attorneys for

MONTANA ELEVENTH JUDICIAL DISTRICT COURT, FLATHEAD COUNTY

In Re The Marriage Of

Cause No. DR 87-174(L3)

DAVID H. SNYDER,
 Petitioner,

and

SANDY SNYDER,
 Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW,
 AND DECREE OF DISSOLUTION OF MARRIAGE

THIS MATTER came on for hearing on the 4th day of August, 1987, on the motion of the Petitioner. The Petitioner appeared and was represented by counsel, Darrell S. Worm of the law firm of Measure & Ogle, Kalispell, Montana. The Respondent has failed to answer or otherwise appear within the time allowed by law, and upon the motion of counsel her default was entered. The Petitioner was duly sworn and testified, and from the evidence presented the Court makes the following:

FINDINGS OF FACT

1. The Respondent executed an Acknowledgement Of Receipt Of Summons And Complaint on May 16, 1987, which is on file herein.
2. The parties entered into a common-law marriage relationship in 1977; and, the marriage is irretrievably broken in that there is serious marital discord which adversely affects the attitude of one or both of the parties toward the marriage

-1-

FINDINGS OF FACT, CONCLUSIONS OF LAW,
 AND DECREE OF DISSOLUTION OF MARRIAGE

PROPERTY SETTLEMENT AGREEMENT

THIS AGREEMENT is made by and between SANDY SNYDER (the "Wife") and DAVID H. SNYDER (the "Husband").

RECITALS

A. The parties entered into a common-law marriage relationship in 1977, and have held themselves out since that time as Husband and Wife. There have been no children born of their marriage.

B. The parties have hitherto separated, due to serious marital discord, and there is no reasonable prospect of reconciliation.

C. There is presently pending a proceeding for dissolution of the marriage of the parties in the District Court of the Eleventh Judicial District of the State of Montana, County of Flathead.

D. The parties are at present time in good health and neither requires extraordinary medical attention.

E. The parties intend, by this instrument, to set forth their agreements concerning division of their property.

For the reasons set forth above, and in consideration of their mutual promises, Husband and Wife agree as follows:

AGREEMENT1. SEPARATION AND DISSOLUTION

The parties agree that their marriage is irretrievably broken and there is no reasonable prospect of reconciliation, that their marriage shall be dissolved, and that they shall live separate and apart and each shall be free from the interference of the other as fully as if he or she were unmarried.

2. PROPERTY SETTLEMENTa. Real Property

The parties own approximately 86 acres of real property with improvements located in St. Ignatius, Montana, and 20 acres of unimproved real property located near Marion, Montana.

The Husband shall have sole title to the St. Ignatius, Montana property, and shall be responsible for the debt secured by said property. The property is subject to a mortgage in favor of the Ronan State Bank to secure a portion of said indebtedness, and a portion of the property is being purchased by the parties under a Contract For Deed. The Husband will use his best efforts to obtain releases from the Ronan State Bank and the Seller under the Contract For Deed relieving the Wife of any liability on the respective debts.

The Wife shall have sole title to the 20 acres of

INFORMATION UPDATED March 28, 2006**General Parcel Information definitions**

GEOCODE	15275314302030000
OWNCODE	10000
OWNER CLASSIFICATION	Private
COUNTY ASSESSOR CODE	0000012920
SECTION	14
TOWNSHIP	T18NR20W
LEGAL DESCRIPTION	SWSW LESS TRS & HWY 25.84 ACRES
PROPERTY ADDRESS	
ADDITION-SUBDIVISION	
LEVY DISTRICT	152480
COUNTY LEVY DISTRICT	28MF
LEVY DISTRICT NAME	ST IGNATIUS RURAL FIRE
TOTAL FINAL LAND VALUE	\$24,018.00
TOTAL FINAL BUILDING VALUE	\$71,680.00
2003 FULL REAPPRAISAL VALUE	\$95,698.00
2005 TAXABLE MARKET VALUE	\$64,132.00
DEED 1: BOOK, PAGE, DATE (mmddyy)	448, 790D, 6/15/04
OWNER NAME 1	SNYDER DAVID H
TAXPAYER	PO BOX 788
MAILING ADDRESS	ST IGNATIUS, MT 59865-0788

SITE INFORMATION definitions

Characteristic	CAMA Code, (Description)
GEOCODE	15275314302030000
NEIGHBORHOOD	4001
NEIGHBORHOOD TREND	2, (stable)
RESIDENTIAL INDICATOR	dwelling
ACCESS	0, (landlocked/none) 0, (landlocked/none)
FRONTING	0, (none)
LOCATION	0, (rural land)
TOPOGRAPHY	8, (ag/timber land)
UTILITIES	0, (none) 0, (none) 0, (none)

ACREAGE TYPE CLASSIFICATION & VALUATION definitions**IRRIGATION**

INFORMATION UPDATED March 28, 2006**General Parcel Information definitions**

GEOCODE	15275315101030000
OWNCODE	10000
OWNER CLASSIFICATION	Private
COUNTY ASSESSOR CODE	0000012920
SECTION	15
TOWNSHIP	T18NR20W
LEGAL DESCRIPTION	TR A, COS 5688, IN SE4 (49.00 AC)
PROPERTY ADDRESS	
ADDITION-SUBDIVISION	
LEVY DISTRICT	152480
COUNTY LEVY DISTRICT	28MF
LEVY DISTRICT NAME	ST IGNATIUS RURAL FIRE
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TOTAL FINAL BUILDING VALUE	\$213,750.00
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2005 TAXABLE MARKET VALUE	\$157,684.00
DEED 1: BOOK, PAGE, DATE (mmddyy)	408, 466Q, 6/5/00
OWNER NAME 1	SNYDER DAVID H
TAXPAYER	PO BOX 788
MAILING ADDRESS	ST IGNATIUS, MT 59865-0788

SITE INFORMATION definitions

Characteristic	CAMA Code, (Description)
GEOCODE	15275315101030000
NEIGHBORHOOD	4001
NEIGHBORHOOD TREND	2, (stable)
RESIDENTIAL INDICATOR	dwelling
ACCESS	1, (paved road) 0, (landlocked/none)
FRONTING	0, (none)
LOCATION	0, (rural land)
TOPOGRAPHY	8, (ag/timber land)
UTILITIES	7, (well) 8, (septic) 0, (none)

ACREAGE TYPE CLASSIFICATION & VALUATION definitions**IRRIGATION**

April 14, 2006
76L 134872 00

Page 5 of 6
NEW STORAGE
Ownership Update ID#: 35686

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O. BOX 201801 HELENA, MONTANA 59620-1601

ACKNOWLEDGEMENT OF WATER RIGHT OWNERSHIP UPDATE

WE HAVE RECEIVED A WATER RIGHT OWNERSHIP UPDATE IN WHICH YOU WERE NAMED AS A PARTY. THE RECORDS MAINTAINED BY THE WATER RIGHTS BUREAU HAVE BEEN CHANGED TO REFLECT THE NEW OWNERSHIP ACCORDING TO THE WATER RIGHT OWNERSHIP UPDATE. THE ABSTRACT BELOW SHOWS THE CURRENT WATER RIGHT INFORMATION. BOTH BUYER AND SELLER HAVE BEEN SENT THIS ACKNOWLEDGEMENT. IF YOU HAVE FURTHER QUESTIONS, PLEASE CONTACT YOUR LOCAL WATER RESOURCES REGIONAL OFFICE.

KALISPELL REGIONAL OFFICE 406-752-3267

Water Right Number: 76L 134872 00 STATEMENT OF CLAIM

Version: 1 - ORIGINAL RIGHT

Version Status: ACTIVE

Owners: DAVID H SNYDER
PO BOX 788
SAINT IGNATIUS, MT 59865

Priority Date: MARCH 31, 1910

Enforceable Priority Date: MARCH 31, 1910

Type of Historical Right: FILED

FOR DATA BASE CONVERSION PURPOSES A DAY OR MONTH AND DAY HAVE BEEN
ADDED TO THE PRIORITY DATE.

Purpose (use): IRRIGATION

Maximum Flow Rate: 1.25 CFS

Maximum Volume: 724.00 AC-FT

Maximum Acres: 120.00

Source:

Source Name: MISSION CREEK

Source type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNW	29	18N	19W	LAKE

Diversion Means: HEADGATE

Period of Diversion: MAY 1 to OCTOBER 31

April 14, 2006

76L 134872 00

Page 6 of 6

NEW STORAGE

Ownership Update ID#: 35686

Purpose (Use): IRRIGATION
Climatic Area: 3 - MODERATE
Volume: 724.00 AC-FT
Period of Use: MAY 1 to OCTOBER 31
Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	120.00		S2SWSE	14	18N	20W	LAKE
Total:	120.00						

Remarks:

NOTICE OF WATER RIGHT TRANSFER RECEIVED 08/13/85.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE ID # 35686 RECEIVED 04/13/2006.

November 5, 2009

76L 134872 00 STATEMENT OF CLAIM

**D.N.R.C.
Examination Worksheet**

Water Right Number: 76L 134872 00 STATEMENT OF CLAIM

Version Status: ACTIVE

Date Received: MARCH 4, 1982

Exempt? No

Implied Claim? No

Fee Owed? No

☒ Ok ☐ Not Ok

☒ Ok ☐ Not Ok

[] Owners:

DAVID H SNYDER
PO BOX 788
SAINT IGNATIUS, MT 59865

Remarks: ☒ OK ☐ Amended ☐ Rule 7 ☐ DNRC error
☒ Issue ☐ Information

Comments: 056 portion of place of use is owned by Terry Lee Card

[*] Purpose (Use): IRRIGATION

Irrigation Type: ~~Flood~~ Flood

Remarks: ☐ OK ☒ Amended ☒ Rule 6 ☐ DNRC error
☐ Issue ☐ Information

Comments:

[] Source Name: MISSION CREEK

USGS Map: Saint Ignatius

Others:

Remarks: ☒ OK ☐ Amended ☐ Rule 11 ☐ DNRC error
☐ Issue ☐ Information

Comments:

[] Source type: SURFACE WATER

☒ OK ☐ Not Ok Comments:

[] Point of Diversion and Means of Diversion:

ID Govt Lot

1

Qtr Sec Sec Twp Rge County

NWNW 29 18N 19W LAKE

Means of Diversion

HEADGATE

Period of Diversion: MAY 1 TO OCTOBER 31

Source Name: MISSION CREEK

☒ OK ☐ Amended ☐ POD/Rule 8 ☐ Means/Rule 9 ☐ DNRC error
☐ additional PODS: See attached addendum/amendment forms

☐ named ditch:

Remarks: ☐ Issue ☐ Information

Comments:

November 5, 2009

76L 134872 00 STATEMENT OF CLAIM

[] Basin Code: 76L

Sub-Basin Code:

✓ OK Not Ok Rule 8 Interbasin Transfer with Basin
Comments:

[] Priority Date: MARCH 31, 1910

Enforceable Priority Date: MARCH 31, 1910

Remarks: OK Amended Rule 13 DNRC error
Issue Information

Comments: Not examined T100

[] Type of Historical Right: FILED

Remarks: OK Amended Rule 13, 14 DNRC error
Issue Information

Comments: Not examined T100

[] Flow Rate: 1.25 CFS (Miner's Inches: 50.00)

Comparison Stat: 4.68 GPM/ACRE

Remarks: OK Amended Rule 14 DNRC error
Issue Information

Comments: Not examined T100

[] Volume: 724.00 ACRE-FEET

Feasible Vol.: 456.19 ACRE-FEET

Comparison Stat: 6.03 ACRE-FEET/ACRE

38.16 HOURS/DAY TO ACHIEVE VOLUME

Remarks: OK Amended Rule 15 DNRC error
Issue Information

Comments: Not examined T100

Climatic Area: 3 - MODERATE

✓ OK Not Ok Comments:

[] Period of Use: MAY 1 to OCTOBER 31

Remarks: ✓ OK Amended Rule 16 DNRC error
Issue Information

Comments:

[] Maximum Acres: ~~420.00~~ to 120.00

Remarks: OK Amended Rule 12 DNRC error
Issue Information

Comments: Max acres claimed may be questionable the sum
of the parcel acres is 46

November 5, 2009

76L 134872 00 STATEMENT OF CLAIM

[] Place of Use:

Claimant Contact Points: 134.14 - 105.85

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	120.00		S2SWSE	14	18N	20W	LAKE

A N¹/₂ SWSW Sec 14
NW SE SW Sec 14
NE SE Sec 15
NE SE SE Sec 15

Total Acres: 120.00

OK _____ Amended _____ Rule 12 _____ DNRC error _____
Additional POU parcels: See attached addendum/amendment forms
Remarks: ☒ Issue ☐ Information

Comments: Revised legals from place of use map.

Data Source: WRS Aerial Photo

ID	Exam Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	<u>42</u>		S2SWSE	14	18N	20W	LAKE

Photo I.D./County/Date

MO-18-127/Lake/8-14-1955

Total Acres: 42

Data Source: USDA Aerial Photo

ID	Exam Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	<u>46</u>		S2SWSE	14	18N	20W	LAKE

Photo I.D./County/Date

1079-28/Lake/9-24-1979

Total Acres: 46

Geocodes/Valid: 15275314401010000 - N 15275314402010000 - N 15275314407190000 - N Y 15275314302030000
15275314407200000 - N 15275314407210000 - N 15275314407270000 - N Y 15275314302020000
15275314407280000 - N 15275314407290000 - N 15275314407310000 - N
15275314407320000 - N 15275314407330000 - N

Comments: ☒ OK

Supplemental: ☐ Yes (Enter water rights in related rights tab and generate report) ☒ No
Multiple Use: ☒ Yes (Enter water rights in related rights tab) ☐ No

Existing Remarks:

P164 INFORMATION STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

PR1Z INFORMATION FOR DATA BASE CONVERSION PURPOSES A DAY OR MONTH AND DAY HAVE BEEN ADDED TO THE PRIORITY DATE.

TR1Z INFORMATION NOTICE OF WATER RIGHT TRANSFER RECEIVED 08/13/85.

November 5, 2009

76L 134872 00 STATEMENT OF CLAIM

Formatted Remarks:

Rmk ID Variables or free text

T100
P283 MO-IP-127, 8-14-1955, 42
P270 1079-28, 9-24-1979, 46
M100 46
O56 Terry Lee Card

General Comments: (Document any aspects of the examination such as additional data sources, information pertinent to understanding the examination, etc. Use appropriate forms for interviews or field investigation and attach.)

Terry Lee Card
31335 US HWY 93
St. Ignatius, MT 59865

Examined by:

Addendums:

Rumell Radloff

RMRK

RSRV

POU

DVRS

Date

11/6/2009

OWNR

AMEND

SUPP

Examined results entered in database by:

Date

REVIEW ABSTRACT OF WATER RIGHT CLAIM

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED IN ACCORDANCE WITH THE SUPREME COURT RULES GOVERNING THE EXAMINATION OF THIS CLAIM.

Water Right Number: 76L 134872-00 STATEMENT OF CLAIM

Version: 1 - ORIGINAL RIGHT

Status: ACTIVE

Owners: DAVID H SNYDER
PO BOX 788
SAINT IGNATIUS, MT 59865

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 11/6/2009, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY TERRY LEE CARD.

Priority Date: MARCH 31, 1910

Enforceable Priority Date: MARCH 31, 1910

FOR DATABASE CONVERSION PURPOSES A DAY OR MONTH AND DAY HAVE BEEN ADDED TO THE PRIORITY DATE.

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.25 CFS

Volume: 724.00 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 120.00

THE MAXIMUM ACRES CLAIMED MAY BE QUESTIONABLE. THE SUM OF THE PARCEL ACRES IS 46.

Source: MISSION CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNW	29	18N	19W	LAKE

Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: HEADGATE

Period of Use: MAY 1 to OCTOBER 31

*Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
*1	30.00		N2SWSW	14	18N	20W	LAKE
*2	30.00		NWSESW	14	18N	20W	LAKE
*3	30.00		NESE	15	18N	20W	LAKE

*Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
*4	30.00		NESESE	15	18N	20W	LAKE
Total:	120.00						

USDA AERIAL PHOTOGRAPH NO(S). 1079-28 , DATED 9/24/1979 , APPEARS TO INDICATE 46 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

USDI AERIAL PHOTOGRAPH NO. MO-1P-127 , DATED 8/14/1955 , APPEARS TO INDICATE 42 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT, RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

134871-00 134872-00

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 08/13/85.

NO REVIEW OR DETERMINATION OF THE ORIGIN OF THE CLAIMED TYPE OF HISTORICAL RIGHT OR OF ITS PRIORITY DATE, QUANTITY, VOLUME OR FLOW RATE HAS BEEN MADE. ADDITIONAL EVIDENCE WILL BE REQUIRED BEFORE THE CLAIM CAN BE DECREED.

THE CLAIMED VOLUME EXCEEDS THE MAXIMUM FEASIBLE VOLUME. BASED ON THE FLOW RATE AND PERIOD OF USE, THE MAXIMUM VOLUME POSSIBLE IS 456.17 ACRE FEET PER YEAR.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE ID # 35686 RECEIVED 04/13/2006.

REVIEWED BY : RUSS RADLIFF

DATE:

Department of Natural Resources and Conservation Examination Report

Map Printed: 11/6/2009 1:55:18 PM

Examiner: Russ Radliff

WRKEY: 221806-1



Examination of: 76L 134872 00

Owner or Business Name: DAVID H SNYDER

Total Water Resources Survey Acres: 41.96 Acres

Source Photo Date: WRS Aerial Photo 1955

Total Acres Examined: 46.3 Acres

Source Photo Date: USDA Aerial Photo 1979

Total Claimed Acres (Calculated): 46.3 Acres

Total Claimed Acres (Claim Form): 120 Acres

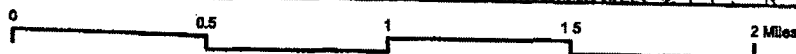
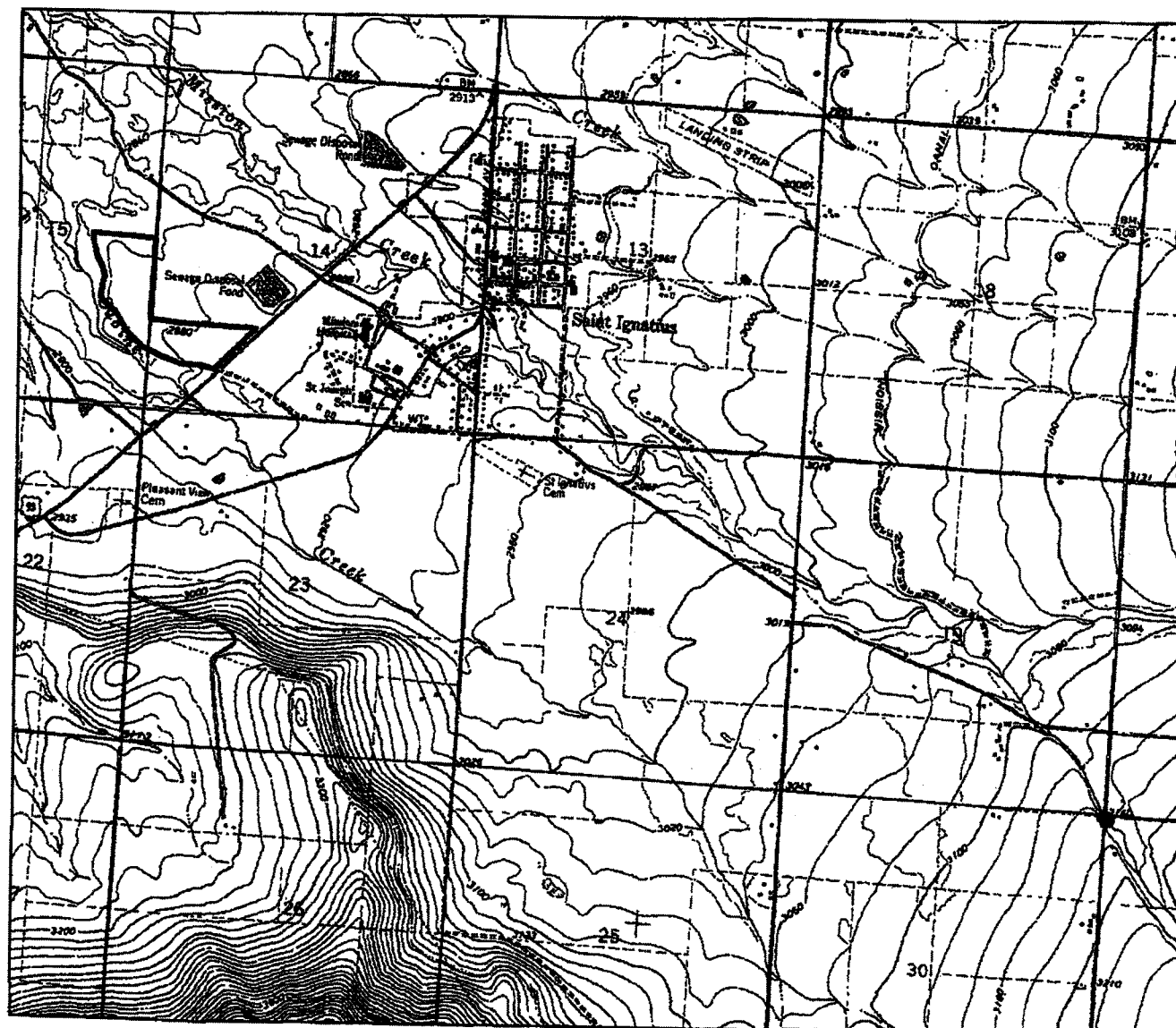
Township, Range, County: T 18N, R 19W, Sec. 29; Lake County

USGS 7.5 Minute Quad(s): Saint Ignatius, Ravalli



- Examined Point(s) of Diversion
- Claimed Point(s) of Diversion
- Ditch

- Water Resources Survey
- Examined Place of Use
- Claimed Place of Use



1:30,000

Department of Natural Resources and Conservation Examination Report

Map Printed: 11/6/2009 1:55:18 PM

Examiner: Russ Radliff

WRKEY: 221806-1



Owner or Business Name: DAVID H SNYDER

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USGS 7.5 Minute Quad(s): Saint Ignatius, Ravalli



Examined Point(s) of Diversion



Claimed Point(s) of Diversion



Ditch



Water Resources Survey



Examined Place of Use



Claimed Place of Use



1:10,000

Department of Natural Resources and Conservation Examination Report

Map Printed: 11/6/2009 1:55:18 PM

Examiner: Russ Radliff

WRKEY: 221806-1



Examination of: 76L 134872 00

Owner or Business Name: DAVID H SNYDER

Total Water Resources Survey Acres: 41.96 Acres

Source Photo Date: WRS Aerial Photo 1955



Total Acres Examined: 46.3 Acres

Source Photo Date: USDA Aerial Photo 1979

Total Claimed Acres (Calculated): 46.3 Acres

Total Claimed Acres (Claim Form): 120 Acres

Township, Range, County: T 18N, R 19W, Sec. 29; Lake County

USGS 7.5 Minute Quad(s): Saint Ignatius, Ravalli



Examined Point(s) of Diversion



Claimed Point(s) of Diversion



Ditch



Water Resources Survey



Examined Place of Use



Claimed Place of Use



1:10,000

DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION
WATER RESOURCES DIVISION



BRIAN SCHWEITZER
GOVERNOR

DIRECTOR'S OFFICE (406) 444-2074
TELEFAX NUMBER (406) 444-2684

STATE OF MONTANA

WATER RIGHTS ADJUDICATION
PHONE (406) 444-0560
FAX (406) 444-0569

910 HELENA AVE
PO BOX 201602
HELENA, MT 59620-1602

November 9, 2009

DAVID SNYDER
PO BOX 788
SAINT IGNATIUS, MT 59865

RE: Statement of Claim No. 76L 134871, 134872

To Whom It May Concern:

The Montana Water Court has begun the preliminary work necessary to issue a water right decree in 76L Flathead River Basin. At the request of the court, the Department of Natural Resources and Conservation staff is reviewing all the water right claims in the basin for completeness and accuracy.

Your water right claims in 76L are currently being examined. This review has raised some questions that cannot be answered from the information submitted with the claims. The enclosed review abstracts reflect how your water rights will appear in the decree, unless we obtain additional information to help us more completely understand your water rights and record them accurately in the water right decree.

If additional information is not obtained, your water rights may be issued in the water right decree with incorrect or inadequate information. This might make future efforts to assert and protect your water rights more difficult.

Please contact me at 406-444-1409 or rradliff@mt.gov by December 11th, 2009, so we can make arrangements to go over the claims and questions.

Thank you for your time and cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Russ Radliff".

Russ Radliff
Water Resource Specialist
MT-DNRC

DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION
WATER RESOURCES DIVISION



BRIAN SCHWEITZER
GOVERNOR

DIRECTOR'S OFFICE (406) 444-2074
TELEFAX NUMBER (406) 444-2684

STATE OF MONTANA

WATER RIGHTS ADJUDICATION
PHONE (406) 444-0560
FAX (406) 444-0569

910 HELENA AVE
PO BOX 201602
HELENA, MT 59620-1602

November 11th, 2009

TERRY LEE CARD
31335 US HWY 93
ST. IGNATIUS, MT 59865

RE: Statement of Claim No. 76L 134872 00

To Whom It May Concern:

The Montana Water Court has begun the preliminary work necessary to issue a water right decree in 76L Flathead River Basin. At the request of the court, the Department of Natural Resources and Conservation staff is reviewing all the water right claims in the basin for completeness and accuracy.

Water right claim 134872 in 76LJ is currently being examined. This review has raised some questions that cannot be answered from the information submitted with the claim. The enclosed review abstract reflects how this water right will appear in the decree, unless we obtain additional information to help us more completely understand this water right and record it accurately in the water right decree.

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A handwritten signature in dark ink, appearing to read "Russ Radliff".

Russ Radliff
Water Resource Specialist
MT-DNRC

State of Montana
Department of Natural Resources and Conservation
(This invoice generated by DNRC)



June 14, 2011

DAVID H SNYDER
PO BOX 788
SAINT IGNATIUS, MT 59865

Ownership Update Number: 87518

OWNERSHIP UPDATE FEEAmount Due: **\$ 70.00**

This Ownership fee letter is being mailed to only the first listed buyer even though it may have additional buyers.

We received information from the Department of Revenue regarding the filing of a deed on February 9, 2009 listing you as the property owner. Our records show that there is an appurtenant water right for this property. At closing, a Water Right Ownership Update fee of \$50 for the first water right and \$10 for each additional water right with a maximum of \$300 should have been collected by the closing agent and submitted to DNRC [§ 85-2-426, MCA]. The fee is to cover updating the owner name in the water right database. Our records show the update processing fee has not been paid. Please submit the processing fee for the following water rights:

76L 62967-00	76L 134871-00	76L 134872-00 ✓
--------------	---------------	-----------------

You must return the payment coupon below along with your payment in order for the payment to be properly credited. **Please respond within 30 days of receipt of this letter.** The Water Right Ownership Update will be processed upon receipt of the processing fee. If we do not hear from you within 30 days, no change of ownership to the water right record will be made.

If you have any questions or feel you received this Ownership Update Fee Letter in error, please contact:

DNRC KALISPELL WATER RESOURCES REGIONAL OFFICE

406-752-2288

YOU MUST RETURN THIS COUPON BELOW WITH YOUR PAYMENT OR THE PAYMENT WILL NOT BE CREDITED AND THE OWNERSHIP UPDATE WILL NOT BE PROCESSED.

Water Right Ownership Update Payment CouponAmount Due: **\$ 70.00**

Make checks payable to MT DNRC

Amount Enclosed: _____

MAIL TO: DNRC / PO Box 201601 / Helena MT 59620-1801

Ownership Update Number: 87518

Fee Letter Date: June 14, 2011

KALISPELL REGIONAL OFFICE

DAVID H SNYDER
PO BOX 788
SAINT IGNATIUS, MT 59865

Has your address changed?

State of Montana
Department of Natural Resources and Conservation
(This invoice generated by DNRC)



DAVID H SNYDER
PO BOX 788
SAINT IGNATIUS, MT 59865

June 14, 2011

Ownership Update Number: 87518

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Make checks payable to MT DNRC

MAIL TO: DNRC / PO Box 201601 / Helena MT 59620-1601

Amount Enclosed: _____

Fee Letter Date: June 14, 2011

Ownership Update Number: 87518

KALISPELL REGIONAL OFFICE

DAVID H SNYDER
PO BOX 788
SAINT IGNATIUS, MT 59865

Has your address changed?

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 134872-00 STATEMENT OF CLAIM
Version: 1 - ORIGINAL RIGHT
Version Status: ACTIVE

Owners: DAVID H SNYDER
PO BOX 788
SAINT IGNATIUS, MT 59865

Priority Date: MARCH 31, 1910

Enforceable Priority Date: MARCH 31, 1910

FOR DATABASE CONVERSION PURPOSES A DAY OR MONTH AND DAY HAVE BEEN
ADDED TO THE PRIORITY DATE.

Type of Historical Right: FILED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 1.25 CFS

Maximum Volume: 724.00 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 120.00

Source Name: MISSION CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NWNW	29	18N	19W	LAKE

Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: HEADGATE

Period of Use: MAY 1 to OCTOBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	30.00		N2SWSW	14	18N	20W	LAKE
2	30.00		NWSESW	14	18N	20W	LAKE
3	30.00		NESE	15	18N	20W	LAKE
4	30.00		NESESE	15	18N	20W	LAKE
Total:	120.00						

Geocodes/Valid: 15-2753-14-3-02-02-0000 - Y

15-2753-14-3-02-03-0000 - Y

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

134871-00 134872-00

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 08/13/85.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 35686 RECEIVED 04/13/2006.

THE MAXIMUM ACRES CLAIMED MAY BE QUESTIONABLE. THE SUM OF THE PARCEL ACRES IS 46. ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 11/6/2009, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY TERRY LEE CARD. USDA AERIAL PHOTOGRAPH NO(S). 1079-28, DATED 9/24/1979, APPEARS TO INDICATE 46 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE. USDI AERIAL PHOTOGRAPH NO. MO-1P-127, DATED 8/14/1955, APPEARS TO INDICATE 42 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

LAKE COUNTY, MONTANA

153

Location of Water right
D. 1861 - Reservoir State Co. Butte

16292

Transcribed from Missoula County Records, Book "I" Water Rights, Page 111.

Compared.

NOTICE OF APPROPRIATION

Corrected

STATE OF MONTANA)
County of Missoula) ss
Flathead Reservation

TO ALL WHOM THESE PRESENTS MAY CONCERN:

BE IT KNOWN, That Baptiste Marengo (No. 724) for his wife Caroline and his minor son Herbert Marengo, of Flathead Reservation, in said County and State do hereby publish and declare, as a legal notice to all the world, as follows, to-wit:

I. That they have a legal right to the use, possession and control of and claim Three Hundred and sixty (360) inches of the waters of Crow Creek, in said County and State for irrigating and other purposes.

II. That the purpose for which said water is claimed, and the place of intended use is for domestic and irrigating purposes on the S/2 S/2 NW/4 and the entire S/2 of Sec. 29, Twp 21 N. R. 19 W. M. M.

III. That the means of diversion with size of flume, ditch, pipe, or aqueduct, by which they intend to divert the said water is as follows: A ditch 48 inches by 24 inches in size, which carries and conducts 360 inches of water from said Creek; which said ditch diverts the water from said stream at a point upon its North bank, and runs thence in a southwesterly direction (head of ditch in NW/4 SW/4 Sec. 21, Twp. 21 N. R. 19 W. M. M., thence over and upon said land (or mining claim.)

IV. That they appropriated and took said water on the 16th day of November, 1895, A.D. by means of said ditch.

V. That the names of the appropriators of said water are as written above.

VI. That they also hereby claim said ditch and the right of way therefor, and for said water by it conveyed or to be conveyed, from said point of appropriation to said land or point of final discharge, and also the right of location upon any lands of any dams, flumes reservoirs, constructed or to be constructed, by them, in appropriating and in using said water.

VII. That they also claim the right to keep in repair and to enlarge said means of water appropriation at any time, and the right to dispose of said right, water, ditch or said appurtenances in part or whole, at any time.

CLAIMING THE SAME ALL AND SINGULAR, Under any and all laws, National and State, and local rulings and decisions thereunder, in the matter of water rights.

TOGETHER WITH ALL AND SINGULAR, The hereditaments and appurtenances thereunto belonging and appertaining, or to accrue to the same.

WITNESS Baptiste Marengo's hand at ... Montana, this 1st day of November, 1907.
Duplicate sign & return to agency, Dont file

Baptiste Marengo

STATE OF MONTANA)
County of Missoula) ss

Baptiste Marengo, having first been duly sworn, deposes and says that he is of lawful age and is the appropriator and claimant of the water and water right mentioned in the foregoing notice of appropriation and claim, and the person whose name is subscribed thereto as the appropriator and claimant, that he know the contents of said foregoing notice and that the matters and things therein stated are true.

Baptiste Marengo.

Subscribed and sworn to before me, this 27th day of Aug. A. D. 1910.
(SEAL) D. D. Hall,

Notary Public in and for State of Montana, residing at Ronan, Montana.
My commission expires February 27th, 1911, County, Montana.

Filed for record the 26 day of September A.D. 1910. at 10:50 o'clock A.M.
F. N. J. COUNTY RECORDER BY

North
Crow
County

Section
of
Interior

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O. BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 122919-00 STATEMENT OF CLAIM
Version: 1 - ORIGINAL RIGHT
Version Status: ACTIVE

Owners: FLORENCE E SCHMITZ
% CHERYL TAYLOR
8422 DIAMOND SPRINGS DR
HELENA, MT 59602

PHILLIP J SCHMITZ
DECEASED
RT 1 BOX 40
RONAN, MT 59864

GENE ERB JR
53251 HERAK RD
CHARLO, MT 59824

OWNERSHIP UPDATE PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT MAY
BE SPLIT INTO SEPARATE WATER RIGHTS UPON REQUEST OF THE OWNERS.

Priority Date: NOVEMBER 15, 1895

Enforceable Priority Date: NOVEMBER 15, 1895

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Maximum Flow Rate: 6.05 CFS

Maximum Volume: 100.00 AC-FT

Climatic Area: 3 - MODERATE

Maximum Acres: 40.00

Source Name: NORTH CROW CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SESWNW	21	21N	19W	LAKE

Period of Diversion: MAY 1 TO OCTOBER 31

Diversion Means: HEADGATE

Period of Use: MAY 1 to OCTOBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	40.00		S2S2NW	29	21N	19W	LAKE
Total:	40.00						

Geocodes/Valid: 15-3104-29-2-01-06-0000 - Y

15-3104-29-2-01-13-0000 - Y

15-3104-29-2-01-16-0000 - Y

Remarks:

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

THIS CLAIM IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

OWNERSHIP UPDATE RECEIVED

OWNERSHIP UPDATE TYPE 608 # 32893 RECEIVED 01/30/2006.

OWNERSHIP UPDATE TYPE 608 # 53236 RECEIVED 01/11/2008.

OWNERSHIP UPDATE TYPE DOR # 112612 RECEIVED 07/26/2013.

ACCORDING TO CADASTRAL PROPERTY OWNERSHIP RECORDS, AS OF 10/20/2009, A PORTION OF THE PROPERTY ON WHICH THIS WATER RIGHT IS USED APPEARS TO BE OWNED BY SHIELA K. CONNER.

THE 1963 REDESIGNATION OF IRRIGABLE LANDS OF THE FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

REVISING AND ADDING TO

THE 1951 DESIGNATION OF THE FLATHEAD PROJECT

PAGE 60

UNIT: FLATHEAD

THE 1951 DESIGNATION

THE 1963 REDESIGNATION

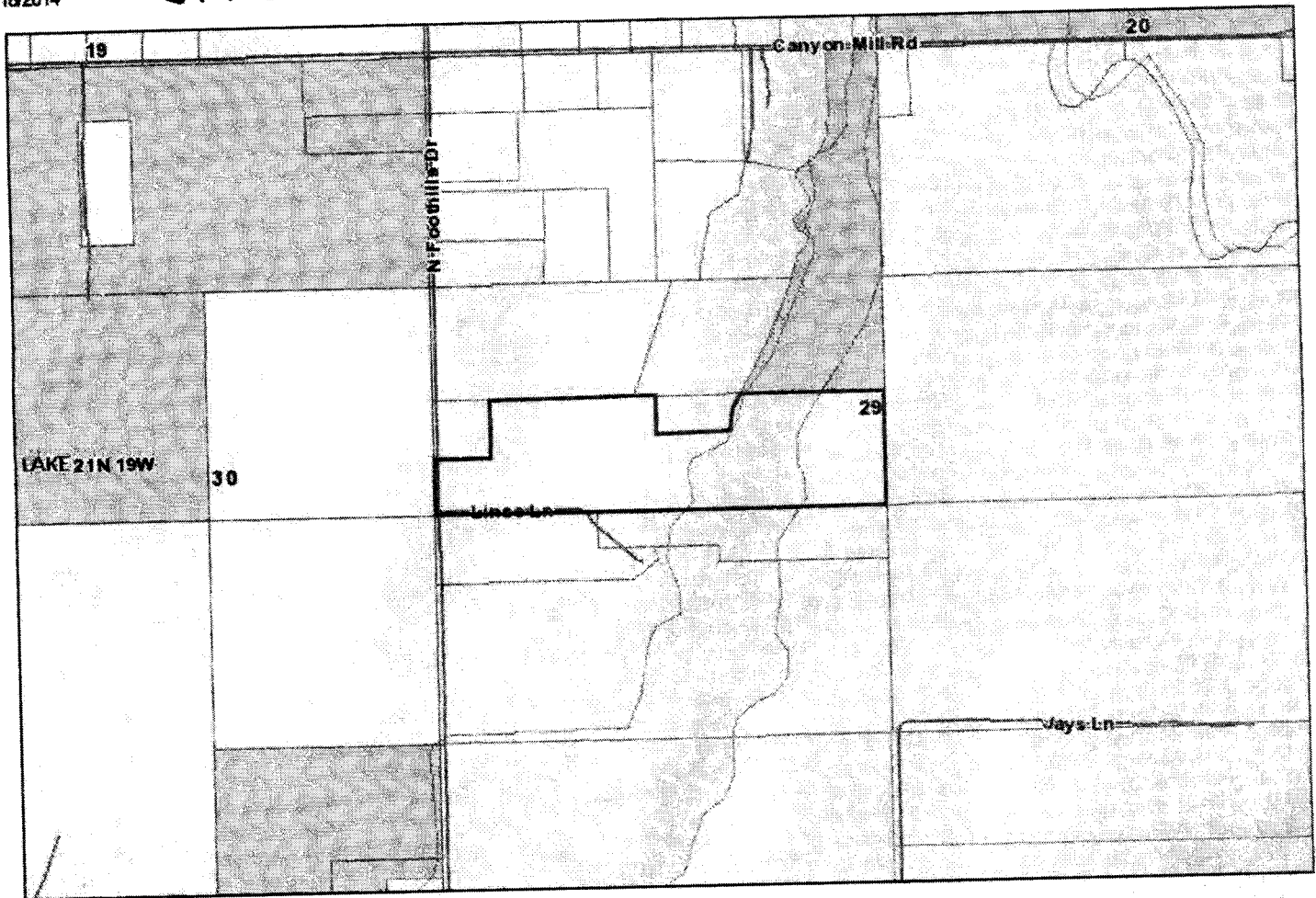
Allocation No.	Serial No.	Ultimate Irrigable Area			Description of Tract			Gross Area of Tract	Sectional Water Right	Ultimate Irrigable Area			Eliminations from the Project	Inclusions into the Project	
		Present Assessable Class 1 & 2	Temporary Non-Assessable Class 3	Permanent Non-Irrigable Class 4	Sec.	Twp.	Rng.			Present Assessable Class 1 & 2	Temporary Non-Assessable Class 3	Permanent Non-Irrigable Class 4			
	4248B	24.95	3.65	21.40	N20W	20	21	19	40.00	2	26.70	13.30	1.90		200
	4248B	13.59		1.41	N20W	"	"	"	15.00	1	13.59	1.41			200
	4248B	21.94		2.06	N20W	"	"	"	25.00	1	21.94	3.06			200
	4182		30.00	3.00	S20W	"	"	"	33.00	1	30.00	3.00			200
	4181	19.85	4.75	1.00	S20W	"	"	"	25.60	2	14.40	1.00			200
	4181A		19.00	1.00	N20W	"	"	"	20.00	1	19.00	1.00			100
	4182		31.00	2.00	N20W	"	"	"	33.00	1	31.00	2.00			100
	NIP			9.00	S20E	"	"	"	9.00	1	9.00			9.00	100
	614	5.17	8.43	26.40	N20E	29	21	19	40.00	1	7.60	32.40	6.00		200
	614	36.00	1.00	3.00	N20E	"	"	"	40.00	1	37.00	3.00			200
	3451		39.00	1.00	S20E	"	"	"	40.00	1	39.00	1.00			200
	3451	3.73		3.77	S20W	"	"	"	7.50	2	3.73	3.77			100
	3451	5.67	0.33	13.10	S20W	"	"	"	19.10	1	5.67	13.43	0.33		100
	3945	18.70	20.66	0.64	N20W	"	"	"	40.00	2	18.70	21.30	20.66		200
	3945	10.37		4.63	N20W	"	"	"	15.00	1	10.37	4.63			200
	3944	22.16	1.50	4.04	S20W	"	"	"	27.70	1	22.16	5.54	1.50		200
	3944A	5.33	33.76	0.91	S20W	"	"	"	40.00	1	5.33	34.67	33.76		200
	3946		39.00	1.00	N20E	"	"	"	40.00	1		40.00	39.00		100
	3946		39.00	1.00	N20E	"	"	"	40.00	1		40.00	39.00		100
	3946		15.00	5.00	N20W	"	"	"	20.00	1		20.00	15.00		100
	3946		15.00	5.00	S20W	"	"	"	20.00	1		20.00	15.00		100
	3947	NIP			S20E	"	"	"	NIP	1					
	3932B	NIP			N20E	30	21	19	NIP	1	11.40				
	3932A	36.00	2.20	1.80	S20E	"	"	"	40.00	1	37.20	3.00			200
1071	3912		19.54	0.46	S20W	"	"	"	20.00	1		19.54	0.46		200
1071	3912	19.25	19.25	0.91	N20W	"	"	"	20.00	1		19.25	0.91	3.44	200
631	3702B		39.51		Lot 1 (N20W)	"	"	"	39.51	1		39.51			
1071	3912		20.00		Lot 2 (S20W)	"	"	"	20.00	1		20.00			
1071	3912		20.00		N20W	"	"	"	20.00	1		20.00			
											16.30	3.70	3.70		
TOTAL		242.71	480.12	105.99				828.82	89.69	281.74	300.80	246.28	149.29	9.00	

8/18/2014

Clarence OKAW

Printing: Layout Page

610-2100



tract # 8377

PA = Imp acres = 2.33

PNA = Non imp. = 20.36

SWR = 12.50



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
Northwest Regional Office
911 N.E. 1st Avenue
Portland, Oregon 97232-4169



AUG 30 2012

RECEIVED

SEP 03 2012

Tribal Services

Honorable Joe Durglo
Chairman
Confederated Salish and Kootenai Tribes
Post Office Box 278
Pablo, Montana 59855

Dear Chairman Durglo:

48 SEP 19 2012
→ We have completed our review of the Federal Charter of Incorporation for the Sxw'ndep'els / Suwetm / Ksukziznumaz gAdjazmukwagits, Incorporated [d/b/a Energy Keepers, Incorporated] hereinafter referred to as "Corporation", submitted by the Confederated Salish and Kootenai Tribes (Tribes). The charter of incorporation was accompanied by Resolution 12-204, enacted on August 16, 2012, requesting the Secretary of the Interior to issue a Federal Charter of Incorporation to the Tribes pursuant to 25 U.S.C. § 477, as amended. All Regional Directors have been delegated the authority for approval of Charter of Incorporations in accordance with 3 IAM 4.4 and the Director, Bureau of Indian Affairs' Memorandum of October 11, 2006, Policy for Approval of New, Revised or Amended Tribal Organic Documents.

This document has also been reviewed by the Office of the Regional Solicitors. The attorney made several recommended comments which were addressed in the attached Corporation. This recent Federal Charter of Incorporation does not contain any provision that is contrary to applicable federal law. As evinced by the signature of the Northwest Regional Director on the Certificate of Approval, the enclosed Federal Charter is hereby approved. It shall become effective on the date of ratification by the Tribal Council of the Confederated Salish and Kootenai Tribes. Nothing in this approval shall be construed as authorizing any action that would be contrary to federal law.

Upon ratification of the Charter of Incorporation by the Tribal Council, please provide this office with three (3) copies of the original document, including the resolution of ratification by the Tribal Council. Enclosed is the approved original of the Charter of Incorporation for your records.

If you have any questions, please contact Betty Scissons, Tribal Government Specialist, at (503) 231-6723.

Sincerely,

Northwest Regional Director

Enclosures

**RESOLUTION
OF THE GOVERNING BODY OF
THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION**

**RESOLUTION TO RATIFY FEDERAL CHARTER OF INCORPORATION FOR
Sx^wnq^eels l Suwečm/Ksukšimumał 'A:kəlmukwa'its, INCORPORATED
(d/b/a ENERGY KEEPERS, INCORPORATED)**

Be It Resolved By the Tribal Council of the Confederated Salish and Kootenai Tribes:

Whereas, the Tribal Council, as primary governing body of the Confederated Salish and Kootenai Tribes ("Tribes"), is entrusted with the responsibility to operate the Tribes' governmental business, to protect and preserve Tribal property, wildlife and natural resources, and to protect the health, security and general welfare of the Tribes;

Whereas, Congress by enacting Section 17 of the Indian Reorganization Act of 1934, 25 U.S.C. § 477 (June 18, 1934, c. 576, § 17, 48 Stat. 988; May 24, 1990, Pub.L. 101-301, § 3(c), 104 Stat. 207), as amended, authorized the Secretary of the U.S. Department of the Interior ("Secretary of the Interior") to issue a federal charter of incorporation to an Indian tribe;

Whereas, the Tribes are a federally-recognized Indian tribe;

Whereas, the Tribal Council, by Resolution No. 12-204 enacted August 16, 2012, petitioned the U.S. Department of the Interior, Bureau of Indian Affairs, Northwest Regional Director ("BIA NW Regional Director") pursuant to authority delegated to him by the Secretary of the Interior under 25 U.S.C. § 477, as amended, to issue a federal charter of incorporation to the Tribes to establish Sx^wnq^eels l Suwečm/Ksukšimumał 'A:kəlmukwa'its, Incorporated (d/b/a Energy Keepers, Incorporated) as a federal corporation; and

Whereas, all of the legal requirements for issuance of a federal charter of incorporation have been fulfilled.

Whereas, the BIA NW Regional Director approved a federal charter of incorporation for Sx^wnq^eels l Suwečm/Ksukšimumał 'A:kəlmukwa'its, Incorporated (d/b/a Energy Keepers, Incorporated) on August 29, 2012, and issued the approved charter to the Tribes to become operative upon ratification by the governing body of the Tribes;

Whereas, the federal charter of incorporation issued by the BIA NW Regional Director for Sx^wnq^eels l Suwečm/Ksukšimumał 'A:kəlmukwa'its, Incorporated (d/b/a Energy Keepers, Incorporated) is in the same form as was presented by the Tribal Council to the BIA NW Regional Director in the Tribes' petition and is acceptable to the Tribal Council in its approved form;

Whereas, there is no requirement pursuant to the Constitution or laws of the Tribes that prescribes any particular action, including a referendum of the membership of the Tribes, for ratifying the federally-approved charter of incorporation for Sx^wnq̄eʔels | Suwēčm/Ksuk̄h̄numaʔ 'A-k̄mukwaʔits, Incorporated (d/b/a Energy Keepers, Incorporated); and

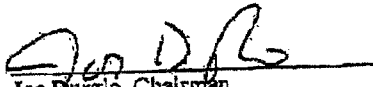
Whereas, the Tribal Constitution, at Part 2 - Bylaws, Article II, Section 2, vests the Tribal Council with the power to take action pursuant to resolution.

Now therefore be it resolved, that the Tribal Council hereby ratifies the federal charter of incorporation for Sx^wnq̄eʔels | Suwēčm/Ksuk̄h̄numaʔ 'A-k̄mukwaʔits, Incorporated (d/b/a Energy Keepers, Incorporated) as approved by the BIA NW Regional Director on August 29, 2012 pursuant to authority delegated to him by the Secretary of the U.S. Department of the Interior under 25 U.S.C. § 477, as amended; and

Now, therefore be it further resolved, that the Tribal Council hereby authorizes and directs the Tribal Department of Energy, the Tribal Legal Department, and the Chairman of the Tribal Council to develop supporting documents and take additional actions necessary to incorporate and make operational Sx^wnq̄eʔels | Suwēčm/Ksuk̄h̄numaʔ 'A-k̄mukwaʔits, Incorporated (d/b/a Energy Keepers, Incorporated) consistent with its federal charter of incorporation.

CERTIFICATION

The foregoing resolution was adopted by the Tribal Council on the 4th day of September, 2012, with a vote of 9 for, 0 opposed, and 1 not voting, pursuant to the authority vested in the Tribal Council by Article VI, Section 1(a), (c), (f), (o), and (u) of the Tribes' Constitution adopted and approved under Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended.


Joe Durgio, Chairman
Tribal Council

ATTEST:


Reuben Mathias, Secretary
Tribal Council

**RESOLUTION
OF THE GOVERNING BODY OF
THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD RESERVATION, MONTANA**

**BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CONFEDERATED
SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION**

WHEREAS, the Confederated Salish and Kootenai Tribes of the Flathead Reservation ("Tribes") is a federally recognized Indian tribe, governed under a constitutional form of government organized pursuant to Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. § 476, as amended, and possessing all the inherent sovereign powers of self-government; and

WHEREAS, the Tribal Council is the duly authorized governing body of the Confederated Salish and Kootenai Tribes; and

WHEREAS, the Tribes desire to create a business corporation known as SX^NQ^BE^LS L SUWEČM/KSUKEJEMUMAE 'A-KAEMUKWAITS, INCORPORATED [to at times do business as ENERGY KEEPERS, INCORPORATED](hereinafter referred to as "Corporation"), which is to be wholly owned by the Tribes and organized as a federal corporation under Section 17 of the Indian Reorganization Act of 1934, 25 U.S.C. § 477, as amended; and

WHEREAS, the Internal Revenue Service has ruled that a business corporation chartered under Section 17 of the Indian Reorganization Act of 1934, 25 U.S.C. § 477, as amended, retains the non-taxable status of the Indian tribe that owns the business corporation; and

WHEREAS, the Tribal Council has determined that the best interests of the Tribes will be served by organizing Corporation as a federal corporation under Section 17 of the Indian Reorganization Act of 1934, 25 U.S.C. § 477, as amended; and

WHEREAS, the Tribal Council has reviewed and approved the attached draft of a federal charter of incorporation for Corporation, which is attached hereto and incorporated herein as Exhibit "A"; and

WHEREAS, there is no requirement under the Constitution or other law of the Tribes that requires a referendum by the members of the Tribes or any other procedure beyond this Resolution in order to petition or obtain a federal charter of incorporation under 25 U.S.C. § 477, as amended.

NOW THEREFORE, BE IT RESOLVED, that the Tribal Council hereby petitions the Secretary of the Interior to issue a federal charter of incorporation to the Tribes pursuant to 25 U.S.C. § 477, as amended, in the form attached as Exhibit A to this Resolution, or in such modified form as the Secretary of the Interior may approve with the concurrence of the Tribal Council.

BE IT FURTHER RESOLVED, that the Tribal Council requests that the federal charter of incorporation be issued to the Tribes at the earliest feasible date.

BE IT FURTHER RESOLVED, that the Tribes hereby authorize the Tribes' legal counsel to work with the Chairman and his staff to secure the timely issuance of the federal charter of incorporation to the Tribes.

BE IT FURTHER RESOLVED, that the federal charter of incorporation requested in this resolution shall not be effective until ratified by vote of the Tribal Council as provided in 25 U.S.C. § 477, as amended.

CERTIFICATION

The foregoing Resolution was adopted by the Tribal Council on the 16 day of August, 2012, with a vote of 8 for, and 0 opposed, and 0 not voting, pursuant to authority vested in it by Article VI, Section I(a), (c), (f), (o) and (u) of the Tribes' Constitution adopted and approved under Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended.


Chairman, Tribal Council

ATTEST:

Tribal Secretary

EXHIBIT "A"

**FEDERAL CHARTER OF INCORPORATION
ISSUED BY THE UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
TO THE
CONFEDERATED SALISH AND KOOTENAI TRIBES
FOR
SX^wNQ^eELS L SUWEČM /KSUK^hELMUMAT^h 'A-KA^mMUKWA^hTIS,
INCORPORATED [d/b/a ENERGY KEEPERS, INCORPORATED]
A FEDERALLY CHARTERED CORPORATION**

RECITALS

Whereas, Congress by enacting Section 17 of the Indian Reorganization Act of 1934, 25 U.S.C. § 477 (June 18, 1934, c. 576, § 17, 48 Stat. 988; May 24, 1990, Pub.L. 101-301, § 3(c), 104 Stat. 207), as amended, authorized the Secretary of the U.S. Department of the Interior ("Secretary of the Interior") to issue a federal charter of incorporation to an Indian tribe;

Whereas, the Confederated Salish and Kootenai Tribes of the Flathead Reservation ("CSKT") are a federally-recognized Indian tribe;

Whereas, the Tribal Council of CSKT petitioned the Secretary of the Interior pursuant to 25 U.S.C. § 477, as amended, to issue a federal charter of incorporation to CSKT to establish Sx^wNQ^eELS L SUWEČM /KSUK^hELMUMAT^h 'A-KA^mMUKWA^hTIS, Incorporated [d/b/a Energy Keepers, Incorporated] as a federal corporation; and

Whereas, all of the legal requirements for issuance of this federal charter of incorporation have been fulfilled.

Now Therefore, I, Stanley Speaks, Director of the Northwest Regional Office - Bureau of Indian Affairs, pursuant to the power conferred upon the Secretary of the Interior by 25 U.S.C. § 477, as amended, and delegated to me, do hereby issue this Federal Charter of Incorporation ("Charter") to CSKT for Sx^wNQ^eELS L SUWEČM /KSUK^hELMUMAT^h 'A-KA^mMUKWA^hTIS, Incorporated [d/b/a Energy Keepers, Incorporated] to be operative when ratified by the Tribal Council of CSKT.

ARTICLES

Article I: Name

The name of the corporation is *Sx'nqé'els 1 Suwečm /Ksułłłnumał 'A-kahmukwa'its*, Incorporated, which will from time to time do business as Energy Keepers, Incorporated (hereinafter referred to as "Corporation").

Article II: Authority

The Corporation is organized under the laws of the United States, 25 U.S.C. § 477 (June 18, 1934, c. 576, § 17, 48 Stat. 988; May 24, 1990, Pub.L. 101-301, § 3(c), 104 Stat. 207), as a federally chartered corporation and will have the powers, privileges and immunities granted thereby.

Article III: Status and Management of the Corporation

- A. The Corporation is a legal entity wholly owned by CSKT, a federally recognized Indian tribe, but is distinct and separate from CSKT. CSKT, when functioning in its ownership capacity, is hereinafter referred to as the "Shareholder".
- B. The Tribal Council of CSKT will function collectively as the Shareholder's representative (hereinafter referred to as "Shareholder's Representative") for all purposes regarding the Corporation. Tribal Council members will have no authority to act individually on behalf of the Shareholder other than through participation in a collective action of the Tribal Council of CSKT.
- C. At all meetings of the Shareholder, the Shareholder's Representative will function in the role of sole Shareholder for the Corporation and not in a governmental capacity as Tribal Council of CSKT. Matters within the scope of interest and authority of the Shareholder will only be discussed and decided upon by the Shareholder's Representative when sitting as the Shareholder at a Shareholder's meeting.
- D. The business affairs of the Corporation will be managed under the direction of a Board of Directors ("Board") consisting of Directors appointed by the Shareholder's Representative in the manner provided in and subject to the provisions of the Corporation's bylaws. The Tribal Council of CSKT will have no authority to direct the business affairs of the Corporation, except through its status as Shareholder's Representative.

Article IV: Duration

The period of the Corporation's duration is perpetual, or until this Charter is revoked by Act of Congress, pursuant to 25 U.S.C. § 477, as amended.

Article V: Purposes and Objectives

The purposes and objectives of the Corporation are to:

- For Profit
- A. promote and facilitate the development and utilization of energy resources for the benefit of the members of the CSKT pursuant to agreements with the Shareholder;
 - B. construct, operate, and maintain, or cause to be constructed, operated, and maintained so as to generate a profit and accrued income, the Kerr Hydroelectric Project and related assets, both tangible and intangible;
 - C. manage, operate, and maintain the Kerr Hydroelectric Project and related assets, both tangible and intangible, consistent with the terms of the Federal Energy Regulatory Commission license for the Kerr Hydroelectric Project;
 - D. assist CSKT in financing acquisition of the Kerr Hydroelectric Project and related assets, both tangible and intangible;
 - E. engage in any and all other activities as authorized by the Shareholder; and
 - F. engage in any and all activities necessary or incidental to the foregoing.

Article VI: General Powers

The Corporation, subject to any restriction contained in the Constitution and laws of the United States, in the Constitution and By-Laws of CSKT, or in this Charter, will perform every action that it deems necessary, expedient, and proper to fulfill the purposes and objectives of the Corporation, as specifically provided in Article V of this Charter, and all other provisions of this Charter. Without limiting any authority otherwise granted herein, the Corporation may:

- A. Make and perform contracts, indemnifications, and guarantees. Pledge a security, other than a landed security upon any trust or restricted lands included within CSKT's Indian Country, for the repayment of bonds, loans, credit enhancements or other obligations, encumber or expend the revenues and income due or to become due to the Corporation;
- B. Incur indebtedness through the issuance of bonds, notes, or other obligations including obtaining credit enhancements therefore in such amounts as may be

required to establish and operate the Corporation, make capital improvements and carry out the powers granted to the Corporation by this Charter;

- C. Purchase, receive, lease or otherwise acquire and own, hold, improve, use, and otherwise deal with real or personal property, or any interest in property, wherever located;
- D. Manage, operate, and maintain the Kerr Hydroelectric Project, including: the lands located within the Project boundary that are used and useful in the Project operations, to the extent of the Federal Energy Regulatory Commission licensee's interest in those lands; the Project works; and all of the structures, fixtures, equipment, and facilities used or useful in operating and maintaining the Project;
- E. Sell, convey, mortgage, pledge, lease, exchange, transfer, or otherwise convey all or any interest in the Corporation's property or assets to the extent permitted by Articles IX(B) and (C) of this Charter; provided however, that in accordance with the provisions of 25 U.S.C. § 477, as amended, the Corporation has no authority to sell, mortgage, or lease for a period of time exceeding twenty-five years, any trust or restricted lands included within CSKT's Indian Country;
- F. Lend money as required for normal generation and sale of energy from the Kerr Hydroelectric Project, invest and/or reinvest Corporate funds and receive and hold real and personal property as security for repayment;
- G. Be a promoter, partner, member, associate, or manager of any partnership, joint venture, trust, or any other entity as may be approved by the Shareholder;
- H. Conduct its business, locate offices, and exercise powers granted by this Charter;
- I. Make and amend bylaws, subject to ratification by the Shareholder, consistent with this Charter and the laws of the United States and CSKT, for managing the business and regulating the affairs of the Corporation;
- J. Nominate directors, appoint officers, hire employees, and engage agents of the Corporation;
- K. Define employees' and agents' duties and fix their compensation;
- L. Establish and fund pension, benefit, or incentive plans for its employees and agents;

N. Transact lawful business that will aid CSKT government policy.

Except as provided hereafter in this Article, the Corporation:

- Nothing in this Charter, and no waiver of the Corporation's sovereign immunity pursuant to this Article shall be construed as a waiver of the sovereign immunity of CSKT or any instrumentality of CSKT other than the Corporation, and no such waiver by the Corporation shall create any liability on the part of CSKT or any other instrumentality of CSKT for the debts and obligations of the Corporation, or shall be construed as a consent to the encumbrance or attachment of any property of CSKT or any other instrumentality of CSKT based on any action, adjudication or other determination of liability of any nature incurred by the Corporation.

The Corporation may explore, investigate, and analyze new energy generation projects and may undertake planning and development of such projects consistent with Article V above.

The Corporation is without power to:

- Federal Charter of Incorporation for Sx^ung^oels I Suwe^um /Kauk^ummu^ust 'A-kumkwa^uts, Inc. Page 5 of 10

- B. Voluntarily sell, lease, transfer, encumber, abandon, or otherwise dispose of any CSKT assets, other than those belonging to the Corporation itself, without the express written approval of the Shareholder;
- C. Voluntarily sell, lease, transfer, encumber, abandon, or otherwise dispose of interests in the Kerr Hydroelectric Project and its related lands, project works, franchises, easements, water rights, and rights of occupancy without express written approval of the Federal Energy Regulatory Commission, except that the Corporation may voluntarily sell, lease, transfer, encumber, abandon, or otherwise dispose of interests in Kerr Hydroelectric Project lands or property without specific written approval of the Federal Energy Regulatory Commission pursuant to the then current regulations of the Federal Energy Regulatory Commission;
- D. Operate in a manner inconsistent with this Charter, the bylaws of the Corporation, applicable federal and CSKT law, or the due and valid directives, standards and policies promulgated by the Shareholder's Representative;
- E. Exercise governmental functions;
- F. Waive the sovereign immunity of CSKT beyond the waiver provided at Article VII above; or
- G. Assume the legal status of licensee before the Federal Energy Regulatory Commission for any license, including the license for the Kerr Hydroelectric Project, without the approval of the Shareholder.

Article X: Ownership of the Corporation

- A. The Corporation is wholly owned by CSKT. The Corporation is authorized to and will issue one share of common stock, without par value, to CSKT, constituting the sole authorized stock of the Corporation.
- B. The authorized and issued share of the Corporation will not be encumbered or disposed of by CSKT. The share certificate issued by the Corporation will contain the following endorsement:

The share represented by this certificate is not transferable, as provided in the Federal Charter of Incorporation of Sx'nq'e'els I Suwečm /Ksukthimuna: 'A.katmukwa'its, Incorporated [d/b/a Energy Keepers, Incorporated], copies of which are on file with the Secretary of the Tribal

Council of the Confederated Salish and Kootenai Tribes and with
Sx'nqé'els l Suwečm /Ksulthimunaš 'A-kamukwa'its, Incorporated [d/b/a
Energy Keepers, Incorporated].

- C. CSKT, as the sole Shareholder, will hold the authorized share of the Corporation on behalf of the entire membership of CSKT. No individual or entity other than CSKT may acquire any share of, or interest in, the Corporation.
- D. CSKT's share in the Corporation will not be pledged or hypothecated, voluntarily or involuntarily, without the prior written consent of the Shareholder's Representative, in accordance with this Charter and with applicable federal and CSKT law.
- E. Neither the status nor lawful actions of CSKT as Shareholder will be construed as a waiver of the sovereign immunity of the CSKT nor as consent by CSKT to be sued.
- F. Nothing in this Charter, and no action taken by the Corporation pursuant to this Charter, shall be construed as permitting, recognizing, or granting the State of Montana, or any other state, any regulatory jurisdiction or taxing jurisdiction over the property or activities of the Corporation or its employees located within the boundaries of CSKT's Indian country.

Article XI: Disbursement of Net Revenue

- A. The Board will disburse the net revenue of the Corporation not less often than once each year in amounts that are consistent with the Corporation's financial, operating, and management plans (including reasonable reserves for future expenses, debt payments, capital improvements, and replacements as determined by the Board of Directors), provided however that no disbursement will be made when:
 - 1. The Corporation would not be able to pay its debts as those debts become due in the usual course of its business;
 - 2. The value of the Corporation's total assets would be less than the sum of its total liabilities; or
 - 3. The disbursement would violate applicable law.
- B. All disbursements declared by the Board will be paid to CSKT as the Shareholder, disbursements will not be paid directly to members of CSKT.

Article XII: Registered Agent, Principal Office, Principal Place of Business

The registered agent of the Corporation is the Chief Executive Officer of the Corporation. The mailing address of the registered office of the Corporation is P.O. Box 218, Pablo, Montana 59855. The principal place of business of the Corporation is the Flathead Indian Reservation.

Article XIII. Corporate Seal. The Board will provide a Corporate seal that contains the name of the Corporation and the words and figures showing that the Corporation was incorporated under federal law and the year of incorporation.

Article XIV. Dissolution.

A. After issuance of this Charter by the Secretary of the Interior and ratification by the Tribal Council of CSKT, the Corporation may be dissolved only as provided in this Article.

B. The Corporation may be dissolved by the act of the Corporation as follows:

1. The Board will adopt a resolution recommending that the Corporation be dissolved and directing that the question of dissolution be submitted to a vote at a meeting of the Shareholder.
2. Reasonable written notice will be given to each member of the Shareholder's Representative that states the purpose, or one of the purposes, of the meeting is to consider the advisability of dissolving the Corporation.
3. At the Shareholder's meeting, a vote will be taken on a resolution to dissolve the Corporation.
4. Upon adoption of the resolution, a statement of intent to dissolve will be executed by a majority of the Directors and verified by one of the Directors who is signing the statement, and delivered to the Secretary of the Interior.
5. Upon filing with the Secretary of the Interior of the statement of intent to dissolve, the Corporation will cease to carry on its business, except insofar as necessary for the winding up thereof, but its corporate existence will continue until this Charter is revoked by Congress.
6. After filing the statement of intent to dissolve, the Corporation will immediately cause notice thereof to be mailed to each known creditor of the Corporation, proceed to collect its assets, convey, and dispose of its properties that are not to be distributed in kind to its Shareholder, pay, satisfy, and discharge its liabilities and obligations and perform all other acts required to liquidate its business and affairs, and, after paying or adequately providing for the payment of all of its obligations, distribute the remainder of its assets, either in cash or in kind, to its Shareholder.

7. By resolution of the Board or by resolution adopted by the Shareholder's Representative at any time prior to revocation of this Charter by Congress, the Corporation may revoke voluntary dissolution proceedings. Written notice of the revocation will be filed with the Secretary of the Interior. Upon filing the revocation of voluntary dissolution proceedings, the revocation will be effective and the Corporation may again carry on its business.
8. If voluntary dissolution proceedings have not been revoked when all debts, liabilities, and obligations of the Corporation have been paid and discharged, or adequate provisions have been made therefore, and all of the remaining property and assets of the Corporation have been distributed to the Shareholder, CSKT will take all actions necessary to obtain an act of Congress revoking this Charter and dissolving the Corporation.

Article XV. Amendment

- A. The authority to petition for amendment to this Charter is vested in the Tribal Council of CSKT, but such amendment will have no legal force or effect until approved by the Secretary of the Interior and ratified by the Tribal Council of CSKT in accordance with 25 U.S.C. § 477, as amended, and in accordance with CSKT law.
- B. The Board may request that the Tribal Council of CSKT petition the Secretary of the Interior for amendment to this Charter, but the final decision on submitting any petition will be made by the Tribal Council of CSKT.

Approval by the Secretary of the United States Department of the Interior
I, Stanley Speaks, Director of the Northwest Regional Office - Bureau of Indian Affairs, pursuant to the power conferred upon the Secretary of the Interior by 25 U.S.C. § 477, as amended, and delegated to me, do hereby issue this Federal Charter of Incorporation ("Charter") for use by CSKT and its Sx'nq'e'els I Suwečm /Ksukšimamə 'A:kəmkwa'its, Incorporated [d/b/a Energy Keepers, Incorporated]. This Federal Charter of Incorporation will become effective upon ratification by the Tribal Council of CSKT, provided nothing in this approval will be construed as authorizing any action under this Charter that would be contrary to federal law.

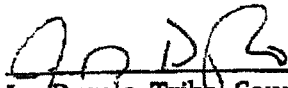
Dated this 29 day of August, 2012;


Stanley Speaks
Director - Northwest Regional Office

Ratification by CSKT and Adoption by Corporation

This Federal Charter of Incorporation is hereby ratified by the Tribal Council of CSKT in the Tribal Council's official collective capacity as incorporator of the Corporation on the 4th day of September, 2012 by a vote of 9 for and 0 opposed, and 1 not voting, pursuant to the authority vested in the Tribal Council by Article VI, Section 1(a), (c), (f), (o) and (s) of the CSKT Constitution adopted and approved under Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended. This ratification is made effective by signature of the Chairman and Secretary of the Tribal Council, in their official capacities as incorporator's representatives, and is adopted by the Board of Directors.

**Confederated Salish and
Kootenai Tribes:**


Joe Durgio, Tribal Council Chairman

Attest:

 *Reuben Mathias*
Reuben Mathias, Tribal Council Secretary

Section 17 of the Indian Reorganization Act of 1934

25 U.S.C. § 477

(June 18, 1934, c. 576, § 17, 48 Stat. 988; May 24, 1990, Pub.L. 101-301, § 3(c), 104 Stat. 207)

The Secretary of the Interior may, upon petition by any tribe, issue a charter of incorporation to such tribe: Provided, That such charter shall not become operative until ratified by the governing body of such tribe. Such charter may convey to the incorporated tribe the power to purchase, take by gift, or bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, including the power to purchase restricted Indian lands and to issue in exchange therefor interests in corporate property, and such further powers as may be incidental to the conduct of corporate business, not inconsistent with law; but no authority shall be granted to sell, mortgage, or lease for a period exceeding twenty-five years any trust or restricted lands included in the limits of the reservation. Any charter so issued shall not be revoked or surrendered except by Act of Congress.

25 YR
LEASE

Congress approved February 28, 1931, June 9, 1932, and June 18, 1933, are hereby extended one and three years, respectively, from June 18, 1934.

Amendment.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 18, 1934.

[CHAPTER 576.]

AN ACT

June 18, 1934.
[S. 2845.]
[Public No. 283.]

To conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes.

Indian affairs.
Future allotment in
severalty prohibited.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter no land of any Indian reservation, created or set apart by treaty or agreement with the Indians, Act of Congress, Executive order, purchase, or otherwise, shall be allotted in severalty to any Indian.

Existing trust pe-
riods extended.

SEC. 2. The existing periods of trust placed upon any Indian lands and any restriction on alienation thereof are hereby extended and continued until otherwise directed by Congress.

Restoration of lands
to tribal ownership.

SEC. 3. The Secretary of the Interior, if he shall find it to be in the public interest, is hereby authorized to restore to tribal ownership the remaining surplus lands of any Indian reservation heretofore opened, or authorized to be opened, to sale, or any other form of disposal by Presidential proclamation, or by any of the public-land laws of the United States: *Provided, however,* That valid rights or claims of any persons to any lands so withdrawn existing on the date of the withdrawal shall not be affected by this Act: *Provided further,* That this section shall not apply to lands within any reclamation project heretofore authorized in any Indian reservation: *Provided further,* That the order of the Department of the Interior signed,

Proviso.
Existing valid rights
not affected.

Lands in reclamation
projects.

Order temporarily
withdrawing Papago
Reservation lands
from mineral entry,
etc., revoked.

dated, and approved by Honorable Ray Lyman Wilbur, as Secretary of the Interior, on October 28, 1932, temporarily withdrawing lands of the Papago Indian Reservation in Arizona from all forms of mineral entry or claim under the public land mining laws, is hereby revoked and rescinded, and the lands of the said Papago Indian Reservation are hereby restored to exploration and location, under the existing mining laws of the United States, in accordance with the express terms and provisions declared and set forth in the Executive orders establishing said Papago Indian Reservation: *Provided further,* That damages shall be paid to the Papago Tribe for loss of any improvements on any land located for mining in such a sum as may be determined by the Secretary of the Interior but not to exceed the cost of said improvements: *Provided further,* That a yearly rental not to exceed five cents per acre shall be paid to the Papago Tribe for loss of the use or occupancy of any land withdrawn by the requirements of mining operations, and payments derived from damages or rentals shall be deposited in the Treasury of the United States to the credit of the Papago Tribe: *Provided further,* That in the event any person or persons, partnership, corporation, or association, desires a mineral patent, according to the mining laws of the United States, he or they shall first deposit in the Treasury of the United States to the credit of the Papago Tribe the sum of \$1.00 per acre in lieu of annual rental, as hereinbefore provided, to compensate for the loss or occupancy of the lands withdrawn by the requirements of mining operations: *Provided further,*

Resulting damages
to be paid tribe; limita-
tion.

Annual rental to be
paid.

Applicant for min-
eral patent must first
make deposit of rent.

That patentee shall also pay into the Treasury of the United States to the credit of the Papago Tribe damages for the loss of improvements not heretofore paid in such a sum as may be determined by the Secretary of the Interior, but not to exceed the cost thereof; the payment of \$1.00 per acre for surface use to be refunded to patentee in the event that patent is not acquired.

Patentee to pay, to credit of Indians, damages, for loss of improvements.

Refund, if not acquired.

Nothing herein contained shall restrict the granting or use of permits for easements or rights-of-way; or ingress or egress over the lands for all proper and lawful purposes; and nothing contained herein, except as expressly provided, shall be construed as authority for the Secretary of the Interior, or any other person, to issue or promulgate a rule or regulation in conflict with the Executive order of February 1, 1917, creating the Papago Indian Reservation in Arizona or the Act of February 21, 1931 (46 Stat. 1202).

Rights of way, etc. not restricted.

Vol. 46, p. 1202

Sec. 4. Except as herein provided, no sale, devise, gift, exchange or other transfer of restricted Indian lands or of shares in the assets of any Indian tribe or corporation organized hereunder, shall be made or approved: *Provided, however*, That such lands or interests may, with the approval of the Secretary of the Interior, be sold, devised, or otherwise transferred to the Indian tribe in which the lands or shares are located or from which the shares were derived or to a successor corporation; and in all instances such lands or interests shall descend or be devised, in accordance with the then existing laws of the State, or Federal laws where applicable, in which said lands are located or in which the subject matter of the corporation is located, to any member of such tribe or of such corporation or any heirs of such member: *Provided further*, That the Secretary of the Interior may authorize voluntary exchanges of lands of equal value and the voluntary exchange of shares of equal value whenever such exchange, in his judgment, is expedient and beneficial for or compatible with the proper consolidation of Indian lands and for the benefit of cooperative organizations.

No transfers of restricted Indian lands, etc.; exception.

Proviso. Lands may descend only to Indian tribe or successor corporation.

Descent, etc., according to applicable laws.

Voluntary exchanges for proper consolidations.

Sec. 5. The Secretary of the Interior is hereby authorized, in his discretion, to acquire through purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights or surface rights to lands, within or without existing reservations, including trust or otherwise restricted allotments whether the allottee be living or deceased, for the purpose of providing land for Indians.

Acquisitions, for providing lands for Indians.

For the acquisition of such lands, interests in lands, water rights, and surface rights, and for expenses incident to such acquisition, there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, a sum not to exceed \$2,000,000 in any one fiscal year: *Provided*, That no part of such funds shall be used to acquire additional land outside of the exterior boundaries of Navajo Indian Reservation for the Navajo Indians in Arizona and New Mexico, in the event that the proposed Navajo boundary extension measures now pending in Congress and embodied in the bills (S. 2499 and H.R. 8927) to define the exterior boundaries of the Navajo Indian Reservation in Arizona, and for other purposes, and the bills (S. 2551 and H.R. 8982) to define the exterior boundaries of the Navajo Indian Reservation in New Mexico and for other purposes, or similar legislation, become law.

Appropriation authorized.

Proviso. Not to be used outside boundary lines of Navajo Reservation.

Act, p. 940.

The unexpended balances of any appropriations made pursuant to this section shall remain available until expended.

Balances available until expended.

Title to any lands or rights acquired pursuant to this Act shall be taken in the name of the United States in trust for the Indian tribe or individual Indian for which the land is acquired, and such lands or rights shall be exempt from State and local taxation.

Title vested in United States in trust. Lands exempt from taxation.

Indian forestry units
Regulations govern-
ing.

SEC. 6. The Secretary of the Interior is directed to make rules and regulations for the operation and management of Indian forestry units on the principle of sustained-yield management, to restrict the number of livestock grazed on Indian range units to the estimated carrying capacity of such ranges, and to promulgate such other rules and regulations as may be necessary to protect the range from deterioration, to prevent soil erosion, to assure full utilization of the range, and like purposes.

New Indian reserva-
tions on lands acquired
by proclamation.

SEC. 7. The Secretary of the Interior is hereby authorized to proclaim new Indian reservations on lands acquired pursuant to any authority conferred by this Act, or to add such lands to existing reservations: *Provided*, That lands added to existing reservations shall be designated for the exclusive use of Indians entitled by enrollment or by tribal membership to residence at such reservations.

Practs.
Additions, for exclu-
sive use of Indians.

Holdings for home-
steads outside of res-
ervations.

SEC. 8. Nothing contained in this Act shall be construed to relate to Indian holdings of allotments or homesteads upon the public domain outside of the geographic boundaries of any Indian reservation now existing or established hereafter.

Sums for defraying ex-
penses of tribal organ-
izations herein created.

SEC. 9. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary, but not to exceed \$250,000 in any fiscal year, to be expended at the order of the Secretary of the Interior, in defraying the expenses of organizing Indian chartered corporations or other organizations created under this Act.

Establishment of re-
volving fund, to make
loans for economic de-
velopment.

SEC. 10. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$10,000,000 to be established as a revolving fund from which the Secretary of the Interior, under such rules and regulations as he may prescribe, may make loans to Indian chartered corporations for the purpose of promoting the economic development of such tribes and of their members, and may defray the expenses of administering such loans. Repayment of amounts loaned under this authorization shall be credited to the revolving fund and shall be available for the purposes for which the fund is established. A report shall be made annually to Congress of transactions under this authorization.

Repayments to be
credited to revolving
fund.

Report to Congress.

Vocational and trade
school.
Annual appropria-
tion for loans, to pro-
vide payment for tui-
tion, etc.

SEC. 11. There is hereby authorized to be appropriated, out of any funds in the United States Treasury not otherwise appropriated, a sum not to exceed \$250,000 annually, together with any unexpended balances of previous appropriations made pursuant to this section, for loans to Indians for the payment of tuition and other expenses in recognized vocational and trade schools: *Provided*, That not more than \$50,000 of such sum shall be available for loans to Indian students in high schools and colleges. Such loans shall be reimbursable under rules established by the Commissioner of Indian Affairs.

Practs.
Indian students in
secondary, etc., schools.

Reimbursable.

Standards of health,
ability, etc., to be estab-
lished.

SEC. 12. The Secretary of the Interior is directed to establish standards of health, age, character, experience, knowledge, and ability for Indians who may be appointed, without regard to civil-service laws, to the various positions maintained, now or hereafter, by the Indian Office, in the administration of functions or services affecting any Indian tribe. Such qualified Indians shall hereafter have the preference to appointment to vacancies in any such positions.

APPOINTMENTS.

Provisions dealing
with Indian empor-
tation, education, etc.,
applicable to Alaska.

SEC. 13. The provisions of this Act shall not apply to any of the Territories, colonies, or insular possessions of the United States, except that sections 9, 10, 11, 12, and 16, shall apply to the Territory of Alaska: *Provided*, That Sections 2, 4, 7, 16, 17, and 18 of this Act shall not apply to the following-named Indian tribes, the members of

Designated sections
inapplicable to various
tribes.

such Indian tribes, together with members of other tribes affiliated with such named tribes located in the State of Oklahoma, as follows: Cheyenne, Arapaho, Apache, Comanche, Kiowa, Caddo, Delaware, Wichita, Osage, Kaw, Otoe, Tonkawa, Pawnee, Ponca, Shawnee, Ottawa, Quapaw, Seneca, Wyandotte, Iowa, Sac and Fox, Kickapoo, Pottawatomie, Cherokee, Chickasaw, Choctaw, Creek, and Seminole. Section 4 of this Act shall not apply to the Indians of the Klamath Reservation in Oregon.

Sec. 14. The Secretary of the Interior is hereby directed to continue the allowance of the articles enumerated in section 17 of the Act of March 2, 1889 (23 Stat.L. 894), or their commuted cash value under the Act of June 10, 1896 (29 Stat.L. 284), to all Sioux Indians who would be eligible, but for the provisions of this Act, to receive allotments of lands in severalty under section 19 of the Act of May 29, 1908 (25 Stat.L. 451), or under any prior Act, and who have the prescribed status of the head of a family or single person over the age of eighteen years, and his approval shall be final and conclusive, claims therefor to be paid as formerly from the permanent appropriation made by said section 17 and carried on the books of the Treasury for this purpose. No person shall receive in his own right more than one allowance of the benefits, and application must be made and approved during the lifetime of the allottee or the right shall lapse. Such benefits shall continue to be paid upon such reservation until such time as the lands available therein for allotment at the time of the passage of this Act would have been exhausted by the award to each person receiving such benefits of an allotment of eighty acres of such land.

Sec. 15. Nothing in this Act shall be construed to impair or prejudice any claim or suit of any Indian tribe against the United States. It is hereby declared to be the intent of Congress that no expenditures for the benefit of Indians made out of appropriations authorized by this Act shall be considered as offsets in any suit brought to recover upon any claim of such Indians against the United States.

Sec. 16. Any Indian tribe, or tribes, residing on the same reservation, shall have the right to organize for its common welfare, and may adopt an appropriate constitution and bylaws, which shall become effective when ratified by a majority vote of the adult members of the tribe, or of the adult Indians residing on such reservation, as the case may be, at a special election authorized and called by the Secretary of the Interior under such rules and regulations as he may prescribe. Such constitution and bylaws when ratified as aforesaid and approved by the Secretary of the Interior shall be revocable by an election open to the same voters and conducted in the same manner as hereinabove provided. Amendments to the constitution and bylaws may be ratified and approved by the Secretary in the same manner as the original constitution and bylaws.

In addition to all powers vested in any Indian tribe or tribal council by existing law, the constitution adopted by said tribe shall also vest in such tribe or its tribal council the following rights and powers: To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior; to prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe; and to negotiate with the Federal, State, and local Governments. The Secretary of the Interior shall advise such tribe or its tribal council of all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of the Budget and the Congress.

Protecting treaty rights with Sioux Indians.
Continuation of allotments, etc.
Vol. 22, p. 894; Vol. 29, p. 284; Vol. 25, p. 451.

No person to receive more than one allowance.

No Indian claim or suit impaired by this Act.

Indians residing on same reservation may organize for common welfare.

Effective, when ratified.

Revocation, amendments, etc.

Additional powers vested in tribe.

Secretary to advise tribe of contemplated appropriation estimates.

Charter.
Issue of, to each tribe,
upon petition therefor.

Proviso.
Restriction condi-
tion precedent to opera-
tion.

Powers conferred.

Revocation.

Inapplicable to res-
ervation rejecting prop-
osition.

Term "Indian" de-
fined.

"Tribe"

"Adult Indians"

SEC. 17. The Secretary of the Interior may, upon petition by at least one-third of the adult Indians, issue a charter of incorporation to such tribe: *Provided*, That such charter shall not become operative until ratified at a special election by a majority vote of the adult Indians living on the reservation. Such charter may convey to the incorporated tribe the power to purchase, take by gift, or bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, including the power to purchase restricted Indian lands and to issue in exchange therefor interests in corporate property, and such further powers as may be incidental to the conduct of corporate business, not inconsistent with law, but no authority shall be granted to sell, mortgage, or lease for a period exceeding ten years any of the land included in the limits of the reservation. Any charter so issued shall not be revoked or surrendered except by Act of Congress.

SEC. 18. This Act shall not apply to any reservation wherein a majority of the adult Indians, voting at a special election duly called by the Secretary of the Interior, shall vote against its application. It shall be the duty of the Secretary of the Interior, within one year after the passage and approval of this Act, to call such an election, which election shall be held by secret ballot upon thirty days' notice.

SEC. 19. The term "Indian" as used in this Act shall include all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, and shall further include all other persons of one-half or more Indian blood. For the purposes of this Act, Eskimos and other aboriginal peoples of Alaska shall be considered Indians. The term "tribe" wherever used in this Act shall be construed to refer to any Indian tribe, organized band, pueblo, or the Indians residing on one reservation. The words "adult Indians" wherever used in this Act shall be construed to refer to Indians who have attained the age of twenty-one years.

Approved, June 18, 1934.

[CHAPTER 577.]

AN ACT

June 18, 1934.
(S. 2743.)
[Public No. 354.]

Granting the consent of Congress to the State Board of Public Works of the State of Vermont to construct, maintain, and operate a toll bridge across Lake Champlain at or near West Swanton, Vermont.

Lake Champlain.
Vermont may bridge
at West Swanton.

Construction.
Vol. 34, p. 24.

Toll rates to be ad-
justed by provide cost
of operation and main-
tenance fund.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State Board of Public Works of the State of Vermont to construct, maintain, and operate a bridge and approaches thereto across Lake Champlain, at a point suitable to the interests of navigation, between a point at or near East Alburt, Vermont, and a point at or near West Swanton, Vermont, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this Act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of tolls may be so adjusted as to provide a fund sufficient to pay (a) the reasonable cost of maintenance, repair, and operation of the said bridge and its approaches, and (b) the amortization within a reasonable time, and not exceeding twenty-five years from the

Power to arrest without warrant in specified cases, added.

Sec. 2. That, in addition to all other powers, United States marshals and their deputies shall have the power to make arrests without warrant for any offense against the laws of the United States committed in their presence or for any felony cognizable under the laws of the United States in cases where such felony has in fact been or is being committed and they have reasonable grounds to believe that the person to be arrested has committed or is committing it. The marshals and their deputies shall also have the power to carry firearms.

Approved, June 15, 1935.

[CHAPTER 260.]

AN ACT

June 15, 1935.
[H. R. 7761.]
[Public No. 149.]

To define the election procedure under the Act of June 18, 1934, and for other purposes.

Indians; election procedure under Act of June 18, 1934.
Vol. 48, p. 598.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in any election heretofore or hereafter held under the Act of June 18, 1934 (48 Stat. 984), on the question of excluding a reservation from the application of the said Act or on the question of adopting a constitution and bylaws or amendments thereto or on the question of ratifying a charter, the vote of a majority of those actually voting shall be necessary and sufficient to effectuate such exclusion, adoption, or ratification, as the case may be: *Provided, however,* That in each instance the total vote cast shall not be less than 80 per centum of those entitled to vote.

Proviso.
Vote requirement.

Time extended for holding election.

Sec. 2. The time for holding elections on the question of excluding a reservation from the application of said Act of June 18, 1934, is hereby extended to June 18, 1936.

Period of trust or restrictions on alienation of Indian land, extended; conditions.

Sec. 3. If the period of trust or of restriction on any Indian land has not, before the passage of this Act, been extended to a date subsequent to December 31, 1935, and if the reservation containing such lands has voted or shall vote to exclude itself from the application of the Act of June 18, 1934, the periods of trust or the restrictions on alienation of such lands are hereby extended to December 31, 1936.

Existing laws and treaty provisions affecting.

Sec. 4. All laws, general and special, and all treaty provisions affecting any Indian reservation which has voted or may vote to exclude itself from the application of the Act of June 18, 1934 (48 Stat. 984), shall be deemed to have been continuously effective as to such reservation, notwithstanding the passage of said Act of June 18, 1934. Nothing in the Act of June 18, 1934, shall be construed to abrogate or impair any rights guaranteed under any existing treaty with any Indian tribe, where such tribe voted not to exclude itself from the application of said Act.

Existing rights.

Approved, June 15, 1935.

[CHAPTER 261.]

AN ACT

June 15, 1935.
[H. R. 7922.]
[Public No. 151.]

To amend the Migratory Bird Hunting Stamp Act of March 16, 1934, and certain other Acts relating to game and other wildlife, administered by the Department of Agriculture, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—MIGRATORY BIRD HUNTING STAMP

Migratory Bird Hunting Stamp Act, amendments.
Vol. 48, p. 251.

SECTION 1. That section 1 of the Act entitled "An Act to supplement and support the Migratory Bird Conservation Act by providing funds for the acquisition of areas for use as migratory-bird sanctuaries, refuges, and breeding grounds, for developing and

FLATHEAD POWER DEVELOPMENT

MEMORANDUM ON THE DEVELOPMENT OF FLATHEAD RIVER POWER SITES, MONTANA



PRESENTED BY MR. WALSH, OF MONTANA
MAY 23, 1930.—Ordered to be printed with an illustration

UNITED STATES
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PREPARED BY
J. HENRY SCATTERGOOD
ASSISTANT COMMISSIONER
THE BUREAU OF INDIAN AFFAIRS

FLATHEAD POWER DEVELOPMENT

DECEMBER 30, 1929.

Hon. RAY LYMAN WILBUR,
Secretary of the Interior.

Hon. FEDERAL POWER COMMISSION.

GENTLEMEN: You have before you for consideration applications for the development of Flathead River power sites, Montana, from (1) Rocky Mountain Power Co., of Montana, application No. 5; (2) Walter H. Wheeler, of Minneapolis, Minn., application No. 868.

Hearings upon these applications were held before the full commission beginning October 28, 1929, and lasting 11 days. The record covers 2,295 pages.

SPECIAL LEGAL PROVISIONS RELATING TO FLATHEAD

Under the act of March 7, 1928 (45 Stat. 212-213), provision is made—

That the Federal Power Commission is authorized in accordance with the Federal water power act, and upon terms satisfactory to the Secretary of the Interior, to issue a permit or permits or a license or licenses for the use, for the development of power or power sites on the Flathead Reservation and of water rights reserved or appropriated for the irrigation projects.

And it is—

Provided further, That the rentals from such licenses for the use of Indian lands shall be paid to the Indians of said reservation as a tribe, which money shall be deposited in the Treasury of the United States to the credit of said Indians and to draw interest at the rate of 4 per cent.

It has also been enacted in the act of March 4, 1929, that—

The Federal Power Commission in issuing any permits or licenses for the development of power or power sites on the Flathead Indian Reservation in the State of Montana, as authorized by the act of March 7, 1928, is hereby authorized and directed to waive payment of the usual administrative fees or commissions charged under existing laws relating to or under regulations of said Federal Power Commission in the issuance of any such permits or licenses.

Thus in the case of the Flathead River power development on the Flathead Indian Reservation, Congress has made two unique provisions in addition to the general application of the Federal water power act. These are (1) that the permits or licenses shall be "upon terms satisfactory to the Secretary of the Interior," and (2) that the usual fees charged by the Federal Power Commission for administration and for use of lands shall be waived in favor of the Indians.

GENERAL PROVISION AS TO POWER SITES ON INDIAN RESERVATIONS

Under regulation 14, section 3, of the regulations of the Federal Power Commission, it is provided that—

When licenses are issued involving the use of tribal lands embraced within Indian reservations, the commission will fix a reasonable annual charge for the

use thereof, based upon the commercial value of the land for the most profitable purpose for which suitable, including power development. The charge shall commence upon date license is issued.

In order, therefore, to fix the proper rental basis for the use of Indian lands, it is necessary to determine the value of the power sites from their earning standpoint for power purposes. This involves a careful study of (1) the two applicants' proposals; (2) the actual earning power of the Montana Power Co. system, guarantor of one of the applicants; and (3) suggested modifications of the two applicants' proposals.

GENERAL DESCRIPTION OF THE FLATHEAD POWER DEVELOPMENT

The Flathead River power sites, five in number, and all within the Flathead Reservation, are among the most important undeveloped power sites of the United States. This is because of (1) the existence of Flathead Lake, a very large natural reservoir which can be very easily enlarged in capacity, and which will serve as storage for all five power sites; (2) the relatively low cost of development; (3) the possible development of Hungry Horse Reservoir upon the head waters of South Flathead River above Flathead Lake, and which would increase the potential capacity of all five sites by 50 per cent; (4) the additional power to be created at the existing Thompson Falls plant of the Montana Power Co. down the Flathead River below the five power sites by the immediate increased storage to be created by the raising of Flathead Lake and the eventual increase of this by the potential development of Hungry Horse Reservoir. Thus these Flathead sites form the key to a very large and cheap development.

Flathead Lake, southwest of Glacier National Park in northwestern Montana, lies on the western side of the Rocky Mountain watershed and is 120,000 acres in area. The south half of the lake is in the Indian reservation. By the building of a dam in the Flathead River Canyon about 4 miles below the present lake outlet, a head of 185 feet at site No. 1 can be developed, and the lake level can thus be raised about 10 feet so as to develop about 1,200,000 acre-feet. By dredging 3 feet from the present lake outlet the draw-down of the lake can be further increased so as to provide almost 1,600,000 acre-feet. Both applicants propose to build such a dam; one proposes also to do as much dredging as will create 1,400,000 acre-feet, giving 6,000 cubic feet per second. As will be shown later, one applicant estimates an average annual output of 68,000 horsepower, the other 105,000 horsepower, both of prime power. The immediate proposals concern site No. 1, but the ultimate development of the other four sites should together involve about as much additional power as site No. 1, the head for each site being as follows:

Site No. 2, 51 feet, located 5 miles below site No. 1.

Site No. 3, 26 feet, located 12 miles below site No. 1.

Site No. 4, 88 feet, located 39 miles below site No. 1.

Site No. 5, 17 feet, located 43 miles below site No. 1.

This would be based on Flathead storage alone and would be increased 50 per cent with Hungry Horse in addition.

THE APPLICANTS

Two present applicants under your consideration are:

(1) Rocky Mountain Power Co., a subsidiary of the Montana Power Co. and guaranteed by the latter. The Montana Power Co. is a very large and powerful company with capital of nearly \$100,000,000 and with a long record of great success. It now operates nine hydro plants with total installed capacity of 327,750 horsepower, and a further capacity will shortly be completed of 60,000 horsepower. It described itself in the hearings as in urgent need of immediate further development to provide for its present service to the public and its constant growth. It was stated that by the time Flathead site No. 1 could be built its system could immediately absorb at least 50,000 horsepower. Mr. Kerr also indicated (p. 1141) that "for a short period, perhaps a year or so, we might be able to dispose of 30,000 horsepower to the West." This company has been an applicant for the Flathead power site since 1920 when the Federal water power act was passed. It is anxious immediately to fully develop site No. 1 by the installation of 150,000 horsepower.

The Montana Power Co. would, if granted the license, merge the Flathead power into its general system, and would connect it up so that not only all of its plants west (including Flathead) as well as east of the Rocky Mountains (p. 457) would be connected up together, but also they would be tied in with its allied companies to the west (p. 1350), namely, Washington Water Power Co., Pacific Power & Light Co., and also further west with Puget Sound Power & Light Co., a Stone & Webster Co. The first two, like the Montana Power Co. itself, are parts of the American Power & Light Co., which in turn forms one of the Electric Bond & Share Co. groups. The Montana Power Co. has offered a yearly rental to the Indians of \$1 per measured horsepower.

(2) Walter H. Wheeler, of Minneapolis. Mr. Wheeler is a civil engineer of good standing and with an excellent record of accomplishment. He has been interested in the Flathead power development since 1927 and proposes to develop through a corporation to be formed all five sites through the sale of very cheap power, viz, at \$15 per horsepower-year to new industries to be attracted there. These would be chiefly fertilizer and electrochemical plants which would use raw materials to be found in Montana and neighboring States. The sale of power to other than industrial plants would be only of secondary consideration in Mr. Wheeler's plans, although he would be prepared to sell wholesale to other power companies at the same rate. He expects that the industries would locate in close proximity to Flathead and that they would bring largely increased population, enlarged markets, and other material advantages to the neighborhood. Mr. Wheeler's plan, if successful, would also introduce new industries in competition with the Anaconda Copper Co. interests, which latter have always been very closely allied with the Montana Power Co. Mr. Wheeler expects, if granted the license, to be able to market the power from and also to finance the construction of not only site No. 1 at Flathead but also the other four sites by the attraction of new industries through his low-cost power offers. He claims this plan would call for a much higher load factor than the other applicant; in fact, he expects a continuous demand for all the prime power possible

to be delivered, and he estimates a much higher capacity for the Flathead development than the other applicant.

In point of time, if granted the preliminary permit, Mr. Wheeler hopes to proceed immediately to sign up parties to take the power and also to close with banking interests to finance the proposition. He would simultaneously complete preliminary borings and then proceed with construction work. It will, of course, not be possible for Mr. Wheeler to get the plant at site No. 1 in operation at as early a date as the Rocky Mountain Power Co. can even if all of his plans materialize, because that company has already made its preliminary borings and is ready now to do actual construction work. Mr. Wheeler has made an agreement with the Indians to pay an annual rental of \$1.12½ per measured horsepower.

The Indian Bureau is limiting this memorandum regarding the two applications to an analysis of their power features and to necessary regulatory provisions for proper control in their relation to the question of rentals for the Indian power sites. No attempt is here made to consider the feasibility of the plans of either applicant for marketing the power or their respective ability to finance their proposals. For purposes of comparison these factors are here assumed. Nor is any effort here made to analyze the possibility or probability of applicant Wheeler's fertilizer and electrochemical industrial demands. It is our understanding that Government experts in these fields are being consulted on these subjects.

IMMEDIATE NEED OF MONTANA POWER CO. FOR ADDED CAPACITY AND
ITS CONSEQUENT ANXIETY TO LEASE THE FLATHEAD SITE

There is one feature, however, which was stressed in the hearings, and being of large public interest in Montana, should be mentioned. This is the immediate need for a large amount of added capacity of the Montana Power Co. system. Mr. Kerr, its vice president, stated that because of the dry season last summer the company's reservoirs were at present very low and that a shut down this winter of some of their capacity seemed inevitable. Since the hearings this has actually resulted and already 40,000 horsepower has shut down. But it has not been only the water shortage that was the cause; even more of a factor was the fact that the company's load has outgrown its production capacity, as is also shown by the high utilization factor of 103 per cent in 1928. The company must immediately have another plant to render its service to the public. Being for a long time one of the applicants for the Flathead site, and waiting for the matter to be brought to a decision, it has not seen fit to make other present plans. In fact, from what Mr. Kerr represents, it would appear that it would be almost impracticable for the company to obtain from any other site than Flathead the amount of new power development that it must have as fast as construction can take place. Their other sites that are undeveloped are much smaller units and less desirable, and to fill the immediate and early future requirements more than one development would no doubt have to be made. As the Flathead is a cheaper as well as a larger site, it is naturally to their interests to develop that first. Mr. Kerr stated in regard to Flathead (p. 469): "It is the next logical one to be added to the present system." He then

was asked by Secretary Wilbur: "Is it the most economical one to add?" and replied, "I think so, Mr. Secretary. The first cost of the plant is low, and it has a little disadvantage in transmission. But that is pretty much the case with what power is left, although there is a large amount of power left." The undeveloped power sites controlled by the Montana Power Co., and to which Mr. Kerr was referring, were shown later to be the following (pp. 1044-1047):

	Horsepower
Site C, Great Falls.....	40, 000
Canyon Ferry enlargement.....	40, 000
Canyon Ferry affecting other plants.....	13, 000
Fish Creek.....	24, 000
Snake River.....	40, 000
Total.....	157, 000

As stated, none of these are as desirable as Flathead, and none of them appear to be able to produce as much added capacity as the company immediately needs, nor to approach the capacity of even site No. 1 at Flathead, not to speak of the future ahead in the other four sites, should these be also obtainable. Mr. Kerr also stated (p. 1070) that Flathead "is the cheapest power at the power house."

The Canyon Ferry "redevelopment" was represented by Mr. Kerr (p. 1070) as "very close to the same cost (as Flathead), and far better located because it is in the center of the system." But thus to redevelop Canyon Ferry would first involve providing other capacity while it is out of commission during rebuilding, which Mr. Kerr stated (p. 479) could not be done. "We could not shut it (Canyon Ferry) down even if we wanted to, because we have got to have every kilowatt we can get, and we can not rebuild that plant or build another one." He later repeated (p. 1155) that he "did not think it would be a wise move. We can't afford to tear it down (Canyon, Ferry); but we have got to start something new." Even this plan he said (p. 1056) would only provide "five-eighths" of the capacity of Flathead. The shortage of present power for the system was stressed many times. (See pp. 460, 461, 466, 1567.) It is also to be noted that at Canyon Ferry a yearly charge must be paid to the Forest Service (p. 1136) for water stored in Hebgen Reservoir.

It is very clear, therefore, that the Montana Power Co., is very anxious that its next and immediate development should be at Flathead through its subsidiary, the Rocky Mountain Power Co. This is further shown by Mr. Kerr's expressed anxiety that if his company should be granted the license prompt decision should be made so that the work of enlarging the Newell Tunnel can be started in January, 1930, in order thereby to deflect the Flathead River in the low water season of 1930 and thus save a year's time in the construction of the dam and thus of the whole proposition. He stated that his company has a large construction gang that he could immediately start upon this work. So far as site No. 1 is concerned, there was no evidence to indicate that the Montana Power Co. does not need it, and is merely attempting to control it and "sit on it" without using it. The use of the other four sites is further referred to below.

FLATHEAD IS FIRST IMPORTANT POWER SITE ON INDIAN LANDS

The Flathead power development is the first important one upon an Indian reservation wherein power is the controlling factor. In the Coolidge Dam in Arizona power has, of course, been developed, but there it was only as an incidental factor in connection with a great irrigation and reclamation project. This Flathead case is therefore of great importance to the Indians in establishing principles. It has attracted wide attention, and at the hearings two United States Senators and two Congressmen addressed the commission. The Federal Power Commission itself is newly constituted and it has a new executive secretary and new general counsel. Accordingly it would seem unusually appropriate that special care be taken to develop the factors for regulation under the Federal water power act and upon terms satisfactory to the Secretary of the Interior, and for the preparation of a model lease.

In an ordinary power site lease under the Federal water power act there would be only two parties having an interest in the financial results of operating, viz, the successful licensee and the general consuming public. In such a case the power site is either purchased outright by the licensee, and its cost made a part of the developmental cost of the project, or if on Government lands other than Indian, the title to the site remains vested in the United States Government, and the site is leased for 50 years for the nominal fees charged by the Government by way of rental. In this latter case the licensee is saved the necessity of using any capital in the securing of the site.

In the case of a power development upon Indian lands, the title to the site also remains vested in the United States Government but in trust for the Indian tribe, and the site is rented for the 50-year period of the lease to the licensee. Thus the licensee is here also saved the necessity of using any capital in the acquiring of the site, and in lieu thereof pays an annual rental to the Government for the benefit of the Indians. Thus in an ordinary Indian case there are three interests to be adjusted, viz, the successful licensee, the United States for the Indian tribe, and the general consuming public.

In the particular case of the Flathead there is a fourth interest, viz., a special part of the consuming public consisting of (1) individual Indian land holders and (2) white settlers who have bought Indian lands, which two groups together comprise the Flathead irrigation project. It is this irrigation project that is referred to in the legislation already referred to. Thus in the case of Flathead, the Federal Power Commission and the Secretary of the Interior are called upon to make an adjustment between four interests, viz, (a) the successful licensee, which is, of course, entitled to the usual return of 8 per cent under the practice of the Montana Public Service Commission; (b) the Indian tribe, which is entitled to a fair rental for the use of the power sites; (c) the particular part of the public forming the irrigation project, and to which certain low rates for power up to 15,000 horsepower have been promised by one applicant as further explained below; (d) the general consuming public.

CORPORATE SET-UP AND COMMISSION REGULATION

Under the Wheeler set-up, there will be a very simple plan of incorporation and of Federal and State commissions' regulation. Applicant Wheeler proposes to have one corporation which will be the licensee of the Federal Power Commission. Its securities are to be issued for actual values only and there is to be no bonus stock. It will be directly subject in its engineering and accounting features to the Federal Power Commission. Its rates made to consumers will, of course, have to be filed with the Montana Public Service Commission.

In the case of applicant, Rocky Mountain Power Co., however, the situation involves two corporations and is more complicated. There will be the Rocky Mountain Power Co., which will be the holder of the Federal license and which will be the generating company. There will also be the Montana Power Co., of which the Rocky Mountain Power Co. will be a controlled subsidiary. The latter's financing and performance are guaranteed by the former. The Montana Power Co. will buy the current (except 15,000 horsepower reserved by the United States as explained below) from the Rocky Mountain Power Co., presumably at the latter's plant, and will transmit and sell same to its consumers. The Rocky Mountain Power Co. will, as stated, hold the Federal license and be accountable to the Federal Power Commission. The Montana Power Co. will be subject to the regulations of the Montana Public Service Commission, as will also the Rocky Mountain Power Co.

It is suggested that the regulation of these two interlocking corporations be accomplished, and the conditions herein stated be appropriately set forth in the license, if granted to this applicant, as follows:

(1) That the Rocky Mountain Power Co. be required to continue its separate existence under the regulations of the Federal Power Commission, and that it shall not be allowed to merge with any other corporation without the approval of the Federal Power Commission.

(2) That the securities of the Rocky Mountain Power Co. be issuable only under regulation of the Federal Power Commission. The Montana State law does not give to the Montana Public Service Commission jurisdiction over the issuance of securities. Hence, the Federal Power Commission upon its own motion can and should properly assume said jurisdiction over these security issues.

(3) That the legitimate investment in the project including pre-license costs of Rocky Mountain Power Co. as determined by the Federal Power Commission under the law and its regulations, shall be accepted as the base upon which return of said Rocky Mountain Power Co. is to be calculated, and that the license shall so provide.

(4) That said return allowed Rocky Mountain Power Co. shall be limited to the percentage allowed from time to time by the Montana Public Service Commission in its regulation of public utility companies. At present this is 8 per cent.

(5) That to accomplish this limitation of return a suitable contract be required between Rocky Mountain Power Co., the seller of the electricity, and Montana Power Co., the buyer of same. Said contract to be satisfactory to the Federal Power Commission and to be filed by said companies for approval by Montana Public Service

Commission. Said contract to arrange for fixing from year to year or as may be satisfactory to the Federal Power Commission the inter-company price of electricity but always at a price sufficient and only sufficient to cover the Rocky Mountain Power Co.'s expenses, overhead, repairs, taxes, insurance, depreciation and obsolescence, amortization, rentals to Indians, and a reasonable return. Said contracts also to provide that all electric current generated by Rocky Mountain Power Co. shall be sold to and bought by the Montana Power Co. with the exception of a maximum of 15,000 horsepower as may be required, to be reserved for sale to the United States Government for account of the Flathead irrigation district in its various parts, as more fully described below.

(6) That all of the common stock to be issued by Rocky Mountain Power Co. be subscribed for by Montana Power Co. and be retained by same unless and until authorized by Federal Power Commission to sell same.

(7) That voting power in the Rocky Mountain Power Co.'s securities be limited to its common stock, all of which will be held as above provided in the ownership of Montana Power Co.

It may be said that this plan is substantially in accordance with the precedent of the Conowingo case in its regulation by the Federal Power Commission and the State commissions concerned: The above arrangement will put full control in the hands of the parent company, where it belongs. It will also provide under regulation by the Federal Power Commission a full return (at present of 8 per cent) on the Rocky Mountain Power Co.'s actual investment after payment of all expenses and rentals to the Indians. And it will bring to the Montana Power Co., under regulation by the Montana Public Service Commission, all of the revenues obtained by it from the resale of the electricity which will be sold to it, as generated by the Rocky Mountain Power Co.

(8) That any and all contracts of Montana Power Co. with Electric Bond & Share Co. or others for management and supervision of its affairs, or for construction, which involve the Rocky Mountain Power Co. and the Flathead project shall be subject to review and approval of the State and Federal commission. This is a very important feature of regulation at the present time, and it is one to which the State commissions pay very little attention. It is possible, under present conditions, for a large part of the revenues of a public utility controlled by a holding company to be diverted directly or indirectly to the controlling company or its affiliated concerns through the payments of fees, commissions, refunds of expenses, reimbursement for salaries, payments of overheads, etc.

(9) That bearing in mind the special powers vested by law in the Secretary of the Interior in this case, provision should be made for the complete amortization of the entire development cost within the 50-year period of the lease. This can readily be done by the requirement and allowance as an annual operating expense of a charge of 0.6 per cent to be used annually either (1) to create a sinking fund for the purchase and keeping alive the securities of the licensee until fully redeemed, or (2) to build up an amortization fund to be annually invested and kept invested. This amount of 0.6 per cent will be large enough to pay off the whole investment at the end of the 50-year lease if annually invested at about $4\frac{1}{4}$ per cent or better. This would

enable the project in addition to the annual rental to the Indians to pay itself off during the lease and to be turned over to the Government for the Indians as a going concern, to be at that time retained or released as may seem best.

SUGGESTED METHOD FOR FIXING RATE OF INDIAN RENTALS WHICH ARE FIRST SET UP FOR 20 YEARS WITH REVISIONS THEREAFTER EVERY 10 YEARS

Under section 6 of regulation 14 of the Federal Power Commission it is provided that Indian rentals "may be readjusted at the end of 20 years after the beginning of operation and at periods of not less than 10 years thereafter in a manner to be prescribed in each license." This regulation thus calls for a prescription for calculating the Indian rental. The Indian Bureau accordingly submits in this memorandum a suggested pro forma method of making this calculation to be used (1) in fixing the original rental for the first 20-year period; (2) for later readjustments; (3) for each additional Flathead site as and when developed.

The suggested method consists of determining (1) the estimated and later the actual average annual generating cost, including return but excluding rental per horsepower year; (2) the fixing by the Federal Power Commission of a fair wholesale bus bar price for the current generated at each Flathead site. In the case of Wheeler application, the applicant himself has proposed the single price of \$15, which it would seem in justice to the value of the site and the interests of the Indian could not be made lower. In the case of the application of the Rocky Mountain Power Co., the commission would have to determine in the light of all the circumstances what would be a fair wholesale intercompany price at the bus bar of each site, of electricity generated and sold by Rocky Mountain Power Co. to its parent company, Montana Power Co. (3) The difference between the annual average generating cost so found and the intercompany price so determined represents the economic rental value of the site, and should be divided between the Indians and the general public in proportion to their respective interests. This pro forma method of calculation would thus fix the rate of rental for the period of the lease in question. The amount of rental based upon this rate will then be calculated and paid to the United States for the account of the Indian tribe under accounting supervision of the Federal Power Commission, said amounts to be found by using this rate upon the monthly measured kilowatt-hours generated at each plant. We suggest that payments of rentals should be made preferably monthly, but certainly at least quarterly.

PRO FORMA METHOD OF FINDING ANNUAL GENERATING COST

To determine item (1) above of fair annual average generating cost, the method suggested is set out in the accompanying comparative table marked "Flathead Power Applications—Analysis of Power Features for Site No. 1." (See table following p. 48.) In this table are set out in parallel columns: (1) The estimates of the two applicants; (2) the actual showing for the year 1926 of the Montana Power Co., as taken from its report to Federal Power Commission; (3) Indian

Bureau adaptations, as explained below, of the two applicants' set-ups. In each column are stated the following factors which are involved:

I. The factors affecting power capacity:

- (1) Water flow and storage.
- (2) Lake levels.
- (3) Head.
- (4) Efficiency factor.
- (5) Utilization factor.
- (6) Result in power capacity.
- (7) Installation.

II. Development costs:

- (1) Direct expenses.
- (2) Overhead expenses.
- (3) Interest during construction.
- (4) Financing cost.
- (5) Development cost.
- (6) Newell Tunnel.
- (7) Dredging.
- (8) Development cost per horsepower.

III. Annual generating costs:

- (1) Operating expenses.
- (2) Overhead expenses.
- (3) Repairs.
- (4) Taxes, insurance, etc.
- (5) Depreciation and obsolescence.
- (6) Amortization.
- (7) Return and excess earnings.
- (8) Annual generating costs per horsepower-year, including 8 per cent return at Flathead.

We will now briefly discuss these in order, and will refer in each factor to the two applicants' proposals.

I. FACTORS AFFECTING POWER CAPACITY

By way of preliminary explanation, the Federal Power Commission defines average output of prime power (see line 7 of table) as "power capacity." Regulation 1, Section 15, reads: "The 'power capacity' of a project means the continued product of—

"A. The factor 0.08.¹

"B. The average static head in feet; and

"C. The water supply in cubic feet per second and not in excess of the hydraulic capacity of the approved project works, estimated to be available from natural flow or from storage, or from both, for 90 per cent of the time."

(1) *Water flow and storage.*—The Geological Survey and Federal Power Commission surveys have completely covered this subject and repetition here would be useless. Suffice it to say here that the flow of Flathead River out of Flathead Lake for the years 1908 to 1924 was—

	Cubic feet per second
Minimum discharge.....	1, 360
Average discharge.....	11, 460
Maximum discharge.....	75, 400
90 per cent of time discharge.....	2, 550

¹ The factor 0.08 represents the horsepower at 70 per cent efficiency of 1 cubic foot of water per second falling through a head of one foot.

Flathead Lake has an area of 1,200,000 acres. Its elevation ranges from 2,882 to upwards of 2,893 feet above sea level. At levels above 2,895 prohibitive damages to farms at the head of the lake would be occasioned, so that the engineers are not calculating upon the high level of the lake being above this point. On the other hand the low level could be reduced to 2,875 feet by dredging down the outlet of the lake. Very strong protests were presented by the town of Polson and others against dredging below 2,880. The possible range of draw down would seem, therefore, to be limited to 13 feet. Various studies of storage acreage have been made. Between 2,883 and 2,893, the range proposed by Rocky Mountain Power Co., these show:

	Acre-feet
By using Columbia River Board table.....	1, 243, 000
By Rocky Mountain Power applicant.....	1, 160, 000
By study of Federal Power Commission engineer.....	1, 205, 000

The capacity between 2,880 and 2,893 feet is 1,582,000 acre-feet as calculated by the Federal Power Commission's engineer, and 1,600,000 acre-feet as per Columbia River Board.

Applicant Rocky Mountain Power Co. calculates that the draw down of 10 feet between 2,883 and 2,893 levels will supply 5,400 cubic feet per second flow 90 per cent of the time. Applicant Wheeler proposes to dredge the outlet of the lake to 2,882 which he calculates will supply 6,000 cubic feet per second 90 per cent of the time. He estimates this dredging will cost \$100,000.

During the hearings much discussion was had as to possible damages of various kinds at the head of the lake, especially those caused by floods in the upper river causing the lake to rise above the 2,893-foot level. It was shown that this difficulty could be largely obviated by enlarging the lake outlet by dredging, so as to enable the carrying off of the floods faster than can now be done with the outlet as it is. This important reason, together with the development of greater storage in accordance with the conservation principle of developing all power possible, would seem to be of such paramount consideration as to demand that dredging be done. This could be made a condition of the license to be done at the beginning or later. In either case it seems to the Indian Bureau so certain that dredging will be done that in calculating for the period of 20 years it feels safe in assuming a flow of 6,000 cubic feet per second as a minimum for 90 per cent of the time. It is to be noted that if the full draw down of 13 feet were thus to be made available the 1,600,000 acre-feet storage would create 6,400 cubic feet per second. Applicant Wheeler proposes to dredge for only 11 feet draw down, creating 6,000 cubic feet per second, and this basis seems conservative for the Indian rental calculation.

Revision.—The above was written before the determinations of the Federal Power Commission as to lake levels and estimated flow became available to the Indian Bureau on January 3, 1930. Accordingly it became necessary thereafter to revise this figure of 6,000 cubic feet per second to 5,440 cubic feet per second and to revise in accordance therewith the resulting calculations in this memorandum. This figure of 5,440 cubic feet per second arises from an expected storage of 1,200,000 acre-feet. However, the commission proposes at this time to guarantee only 1,100,000 acre-feet of storage using 10 feet of storage somewhere between levels 2,880 and 2,893. This

cautionary procedure seems necessary until experience will later show (1) the amount of dredging needed and possible and its results, (2) the water levels in the lands at the head of the lake, (3) the effects of floods on the lands at the head of the lake.

(2) *Lake levels and dredging.*—These have already been covered under (1).

(3) *Head and dam.*—Both applicants propose to build a dam about 4 miles down Flathead Canyon below the outlet of Flathead Lake. This is known as site No. 1 or "Newell" site, the latter because it is here that the Newell Tunnel was cut in 1911 by the Government to provide a small power development for pumping for the Flathead irrigation project. The static head to be produced at this site will be 185 feet. This figure has been used by Rocky Mountain Power Co. Wheeler uses effective head of 175 feet in his calculations. In Indian Bureau calculations 185-foot static head is used in accordance with the commission's formula.

In the plans of the Rocky Mountain Power Co., the dam will be constructed so that the top will be at elevation 2,875, with 18 feet of flashboards to bring the level up to 2,893.

(4) *Over-all efficiency factor.*—This represents the actual as compared to theoretically perfect output of water wheels and electric machinery. It covers losses in water regulation, entrance losses, conduit losses, gate losses, penstock losses, generator losses, and transformer losses. The formula used by the Federal Power Commission for its calculation of power capacity is based on 70 per cent efficiency with 100 per cent utilization factor. It was admitted by the engineer of Rocky Mountain Power Co. (pp. 1619 and 1624) that this basis is conservative. It is the basis used for calculating the Government fees, and is lower than is generally obtainable and obtained in power projects. A good deal of discussion took place in the hearings over efficiency factor and utilization factor, and their consequent effect on power capacity. The Rocky Mountain Power Co.'s estimate is admittedly conservative in both these regards, while Wheeler predicts very high figures for both factors. The former claimed only 70 per cent efficiency and 85 per cent utilization, or a total of 59½ per cent; while the latter predicted 87½ per cent efficiency and 100 per cent utilization, or a total of 87½ per cent. These small claims of the Rocky Mountain Power Co. were in the face of repeated statements that it would be in a position not only to do as well as any other developer of the site (pp. 345, 1331) and use every kilowatt-hour that could be developed (pp. 477, 1146, 1154), but also that it could make even better use of it than could an independent applicant. This would be because of the diversification of its own existing system (p. 1350) with which it would be hooked up, and also because of some of it being east and some of it being west of the Rockies with differing run-off periods (pp. 475, 452, 458, 148); and also because it would be tied in with Washington Water Power Co. and Pacific Power & Light Co., its allied companies, as well as Puget Sound Power & Light Co. of Seattle, all to the west with their still further different periods of run-off. Because of the combining of these "pots" of power it was claimed that every possible use of the site could be better developed than otherwise (p. 1352).

In the lengthy discussions of over-all efficiency in the hearings, several cases were cited of high efficiency up to 88 per cent. Mr.

Cochrane said the Montana Power Co.'s Volta plant, built in 1915, has 74 per cent efficiency and that new machinery would be about 2 per cent higher (p. 1504). No one will know better than the Executive Secretary of the Federal Power Commission, Mr. Bonner, about efficiency factors of various plants. His own recently published book on "Water Powers of California" shows an average of plants in that State, similar in general characteristics to flathead, of 77 per cent. In this and in the utilization factor, the Indian Bureau is desirous of being safe and conservative in any proposals that it makes for the calculation of the Indian rentals. Accordingly, it feels safe in suggesting 77 per cent for the over-all efficiency factor for this calculation, believing that this figure will certainly be exceeded in the average during the first 20 years of flathead operation. (See also page 1505 for Mr. Bonner's discussion of these factors.)

(5) *Utilization factor.*—This factor indicates the amount of water actually used related to the water available; in other words, a ratio between output and prime power. Applicant Wheeler claims that the kind of load that he will have in large plants with continuous demand will enable him to use all the available water up to the prime capacity and thus have a utilization factor of 100 per cent. In addition, he expects to dispose of some secondary power produced at periods of excess water flow. Rocky Mountain Power Co. on the other hand presents a utilization factor of 85 per cent, which Mr. Cochrane, the chief engineer, explained as the average of the past 10 years plus 5 per cent for the diversification feature produced by the different run-off times west and east of the Rocky Mountains (p. 1578). Mr. Cochrane claimed a low percentage of use of plant capacity in order to allow for times when their plant capacity would be ahead of their market. As the market increases it catches up to the plant capacity (prime) and may even exceed it as was the case in 1928. On page 1706 the actual figures of the Montana Power Co. for the last 10 years were represented as follows:

Year	Prime power	Average load	Utilization factor	Year	Prime power	Average load	Utilization factor
	<i>Kilowatts</i>	<i>Kilowatts</i>	<i>Per cent</i>		<i>Kilowatts</i>	<i>Kilowatts</i>	<i>Per cent</i>
1919.....	156,600	98,000	¹ 63	1924.....	136,600	128,000	82
1920.....	156,600	123,000	¹ 78	1925.....	163,100	140,000	86
1921.....	156,600	65,000	42	1926.....	163,100	156,000	96
1922.....	156,600	110,000	70	1927.....	185,100	156,000	89
1923.....	156,600	128,000	82	1928.....	175,300	181,000	² 103

¹ Dry year.

² Wet year.

Mr. Kerr, in speaking of the steady growth of the Montana Power Co. system, said "and it seems now that it makes no difference whether we get 10 per cent business, 20 per cent business, or 40 per cent business, it all gets back to the power houses; and the load factor year by year is growing higher and higher, meaning the more complete use of the equipment."

In view of this unusually uniform load of the Montana Power Co. system and this steady growth, it would seem conservative to take the average of the utilization factors for the last five years, namely, 91 per cent, as a proper figure for use in calculating the

Indian rental, and not go back 10 years which includes the very low year 1921 with 42 per cent utilization factor. That this figure of 91 per cent is very conservative is shown by the fact that the 5 per cent additional factor used by Mr. Cochrane for diversification feature might also be added for Flathead but is not included.

A further proof of conservatism in the suggested use of efficiency and utilization factors of 77 per cent and 91 per cent, respectively, is found in the fact that their combined effect is to give an efficiency of 70.07 per cent as compared with the admittedly conservative basis of 70 per cent used in the formula of the Federal Power Commission.

(6) *Resulting power capacity.*—Using the above factors as per the commission's formula, we have:

	Estimates as submitted			As adjusted above		
	Horse-power	Kilowatts	Kilowatt-hours generated	Horse-power	Kilowatts	Kilowatt-hours generated
Rocky Mountain Power Co.....	68,000	51,000	¹ 446,000,000	² 80,500	60,375	528,885,000
Wheeler.....	105,000	78,750	689,000,000	³ 105,000	78,750	689,000,000
				² 95,000	71,250	624,000,000

¹ Basis of 5,400 cubic feet of water.

² Revised basis of 5,440 cubic feet of water.

³ Basis of 6,000 cubic feet of water.

For comparison the actual figures for the Montana Power Co. system for 1926, 1927, and 1928 are also added:

	Horsepower	Kilowatts	Kilowatt-hours generated
Montana Power Co.:			
1926.....	217,400	163,100	1,375,208,770
1927.....	217,400	163,100	1,362,157,457
1928.....	223,700	175,300	1,584,078,164

(7) *Installation.*—The Rocky Mountain Power Co. proposes to install three units of 50,000 horsepower each, making a total of 150,000 horsepower. It will also provide space and tunnel capacity for a fourth unit of 50,000 horsepower for possible further use of water flow. (See p. 1322.)

Wheeler proposes the same total installation of 150,000 horsepower, but in four units.

Figuring power capacity, that is, average power as calculated above to installed capacity, the ratios are:

	Estimates	As adjusted
	<i>Per cent</i>	<i>Per cent</i>
Rocky Mountain Power Co.....	43	59
Wheeler.....	70	70
Montana system.....		¹ 71

¹ Actual.

II. DEVELOPMENT COSTS

The applicants' estimates are as follows:

	Rocky Mountain Power	Wheeler
Preliminary surveys and drilling.....	\$40,000	\$50,000
Roads and railroad.....	210,000	210,000
Camp and equipment.....	180,000	150,000
Construction plant.....	495,000	450,000
Cofferdams.....		175,000
River diversion.....	255,000	
Dam.....	1,255,000	1,312,000
Intake.....	190,000	
Pressure tunnels.....	399,000	
Tailrace and widening channels.....	75,000	
Tunnel and trash racks.....		435,000
Power house.....	540,000	606,650
Hydraulic machinery.....	355,000	
Electrical machinery.....	1,195,000	1,700,000
Miscellaneous power-house equipment.....	50,000	
Newell Tunnel purchase.....	101,000	
Dredging lake outlet.....		100,000
Land and drainages, etc.....	424,100	500,000
General expenses of construction.....	775,700	
Engineering and contingencies.....		\$500,000
Overhead expenses.....		350,000
Insurance, etc.....		100,000
Contractor's profit.....		300,000
Interest during construction.....	915,600	1,250,000
Cost of financing.....		1,000,000
"Development cost".....	492,100	873,180
Total.....	7,947,500	8,811,830

(1) *Direct expenses of development.*—The direct estimates of the two applicants are thus seen to be remarkably close together on the direct expenses of development and do not call for comment here.

(2) *Overhead expenses, including cost of financing.*—Both applicants appear to have figured liberally for overhead, especially Wheeler. In the case of Rocky Mountain Power Co. the figure of \$775,700 is more than 13 per cent of the actual construction items. No doubt this includes contractor's profit, not mentioned separately, and perhaps also some additional prelicense costs beyond the \$40,000 for preliminary survey and borings as listed. Wheeler's figure of \$1,250,000 is nearly 22 per cent of actual construction items, and taken in conjunction with his high cost of interest during construction of 14 per cent and his cost of financing of 11 per cent (which through its high credit the other applicant is saved), he has total overhead of \$3,123,180 on top of direct construction costs of \$5,688,650, nearly 55 per cent. If these figures are not overestimates, this heavy loading on the development cost will handicap Wheeler as contrasted with the Rocky Mountain Power Co.'s cost as corrected below to the extent of about \$12 per horsepower capacity, assuming Wheeler's output for both in order to make the comparison. This would be reflected in an annual handicap of about \$1.70 per horsepower per year, assuming other factors the same for both applicants. On the reasonable assumption that the two applicants, in spite of their respective claims, can develop about the same output at about the same costs, this loss of \$1.70 per horsepower per year would be very serious if it should result in the diminishing the Indian rental by even one-half of such an amount.

In this connection attention may be called to the agreement between Wheeler and the Flathead Indian Tribal Council (see Wheeler Exhibit 3) made in December, 1927, in which that council agreed to accept Wheeler's offer of \$1.12½ per developed horsepower. This agreement has of course no standing in law, because the Secretary of the Interior alone has the legal right to bind the Government in its trust for these Indians. Naturally the Indians have never been then or now in a position to analyze the actual earnings of their power sites, and it would manifestly be unfair to them and to their interests for the Secretary now either to confirm on their behalf the bargain they themselves made two years ago, or to fail to take into consideration the above-mentioned handicap in annual power cost. This disadvantage of Wheeler will thus have to be weighed against the advantages that Wheeler's plan, if successful, would bring to the Indians in added opportunities for remunerative employment in the new industries to be established on or near their reservation, improved market for their products, etc.

It is to Wheeler's disadvantage that his amount of actual investment to be fixed by the commission will be more than \$1,250,000 higher than the other applicant's, and that this will be just that much more to be amortized during the 50 years' lease. This factor is included, however, in the annual cost comparison that follows.

(3) *Interest during construction.*—Both applicants appear to be high in their estimates as to interest. The Rocky Mountain Power Co.'s estimate is \$915,600; Wheeler's, \$1,000,000. The usual estimate for this item is 6 per cent for half the construction period and some commissions allow four months additional. For three years' construction period this basis would mean 11 per cent for interest during construction. The above estimates of the applicants are about 14 per cent. However, the licensee in the final accounting of the net investment will be allowed under the commission's regulations, all the interest actually paid and no more. We therefore suggest no modifications.

(4) *Financing cost.*—(See under (2) overhead expenses, above.)

(5) *Development cost.*—In the estimated cost of the Rocky Mountain Power Co. there is an item of \$492,100 put down as "Development cost" and explained on its Exhibit 10 as follows: "Development cost is the accumulated deficit below a fair return on the invested capital up to the time that a fair return begins."

This subject was discussed in the hearings (see pp. 1418, 1422-1428). It was made clear that under the Federal water power act only expenditures actually made can form a part of the "net investment" or project cost. As this item is only an estimate of alleged lag in return on this investment, and is not money paid out, there is no basis for its inclusion. Mr. Brown, counsel of the commission (p. 1428), asked the applicant to submit in its brief its view and authorities sustaining it, if it had any.

As the brief is silent on the subject, presumably none could be found. Accordingly, this item is omitted in the adjusted computation for calculating Indian rental.

(6) *Newell Tunnel.*—The Rocky Mountain Power Co. has offered (see Flathead irrigation district Exhibit 13, sec. D) to refund the Government \$101,000 for its cost in constructing the unfinished Newell Tunnel. The applicant finds it to its advantage to complete

the small remaining unfinished part of the tunnel, and then to enlarge it and line it for use in the project. The Flathead River will be deflected through it during construction of the dam according to their plan. If it were not there already, another tunnel would have to be built. This tunnel was built by the Government in connection with the Flathead irrigation project and its cost charged against the project as reimbursable. If this amount is received by the Government, it will be credited to the irrigation project.

In Mr. Wheeler's proposals there appears no mention of the Newell Tunnel or whether he would pay anything for its use.

(7) *Dredging*.—The need of dredging the outlet of Flathead Lake has already been explained. Mr. Wheeler has carefully confirmed (p. 2169) his original estimate of \$100,000, as the cost of doing this work. The Rocky Mountain Power Co. did not plan to do this dredging, but stated its willingness to do so if required by the commission (p. 1220, 1325). On the assumption that this dredging will be done, the estimated cost of \$100,000 should, therefore, be added to the Rocky Mountain estimate and this is done in the adjusted figures for calculating Indian rental.

(8) *Development cost per horsepower*.—After thus making the two adjustments of the Rocky Mountain estimate, viz., eliminating \$492,100 for "development cost," and adding \$100,000 for dredging the outlet of the lake, the following are found to be the comparable figures.

Rocky Mountain Power Co.:

Estimate.....	\$7, 947, 500
Adjusted.....	7, 555, 400
Wheeler.....	8, 611, 830

Dividing these by the respective power capacities, we reach the conclusion of the development cost at Flathead per horsepower or kilowatt as follows:

	Investment cost	Average prime power capacity horsepower	Investment cost	
			Per horsepower	Per kilowatt
Rocky Mountain Power Co.:				
Estimate.....	\$7, 947, 500. 00	68, 000	\$116. 97	\$155. 83
Adjusted.....	7, 555, 400. 00	80, 500	93. 85	125. 13
Wheeler:				
Estimate.....	8, 811, 830. 00	105, 000	83. 92	111. 69
Adjusted (5,440 cubic feet of water).....	8, 811, 830. 00	95, 000	92. 76	123. 68

For comparative purposes, the Montana Power Co. system is here added. The investment cost figures are taken from the company's report for 1926, made to the Federal Power Commission.

	Investment cost	Average prime power capacity, horsepower	Investment cost	
			Per horsepower	Per kilowatt
Montana Power Co. system:				
1927 ¹	\$28, 374, 074. 00	² 233, 700. 00	\$121. 41	\$161. 88
1926.....	27, 626, 633. 00	³ 217, 467. 00	127. 04	169. 39

¹ Later figures not at hand.

² Year 1928.

³ Year 1926.

III. ANNUAL GENERATING COSTS

(1) *Operating expenses.*—The Rocky Mountain Power Co. estimates this item at \$63,000 which is 0.8 per cent upon their development estimate of \$7,947,500 and 0.85 per cent upon the adjusted figure of \$7,555,400. Minor repairs are probably included. Mr. Wheeler figures his operating expenses at $1\frac{1}{2}$ per cent of his development estimate, making \$132,177.45. He also added one-half per cent for repairs, \$44,059.05. These Wheeler figures seem very high when compared with the actual experience of the Montana Power Co. as given below.

(2) *Overhead expenses.*—The Rocky Mountain Power Co. estimates this item also at \$63,000, which is 0.8 per cent upon their development estimate of \$7,947,500 and 0.85 per cent upon the adjusted figure of \$7,555,400. Mr. Wheeler figures his overhead expenses at 1 per cent of his development estimate, making \$88,118.35, which is clearly high.

(3) *Repairs.*—See under (1) above.

(4) *Taxes, insurance, etc.*—The Rocky Mountain Power Co. estimates this item at 2 per cent of their development estimate, making \$158,940. In the adjustment the rate of 2 per cent is retained; applied to adjusted development estimate it gives \$151,080. Although this is the company's own rate, it is lower than the rate for all taxes in the Montana Power Co. system as given below. Perhaps the explanation is that the company's practice apportions to generation, etc., only the property taxes. Its New Jersey corporation tax, Montana State license tax, and Federal taxes on income, etc., are not apportioned. In the figures used below, however, Mr. King, the commission's accountant, included all taxes, apportioning them in the same ratios as the company's apportionment of property taxes.

Mr. Wheeler estimates his taxes, insurance, etc., at $1\frac{1}{2}$ per cent, making \$132,177.45. This probably is too low, in view of the above.

(5) *Depreciation, obsolescence.*—On this item, Rocky Mountain figures 2 per cent on development estimate, making \$158,940. In the adjustment, the 2 per cent rate is retained; applied to adjusted development estimate, it gives \$151,080. There was some discussion in the hearings upon the proper rate for depreciation, where major repairs should be charged, etc. Mr. Cochrane, the company's engineer, expressed the belief that 2 per cent was about right for an overall charge for all classes of property. This would include major repairs and obsolescence. The rate of 2.07 per cent for generating plants, including dams, of the Montana Power Co. system was recommended by their appraisal engineer, Mr. W. J. Hagenah, of Chicago, as of December 31, 1922. However, the actual amounts charged annually for depreciation upon the books of the company have been much smaller round sums; thus the \$350,000 for all property in 1926 was at a rate of about three-fourths of 1 per cent. For further details see below under Montana Power Co., actual 1926.

We understand that the Federal Power Commission has not as yet determined or adopted a rate for depreciation and obsolescence. Although the 2 per cent rate seems high, and although it is not in the public interest, nor to the interest of the Indians, to build up an unnecessarily large depreciation fund, yet in the absence of further information, it seems wise to use the company's own suggestion of

2 per cent for the pro forma calculation of the Indian rental. It may be added, however, that it is to the interest of the Indians that the property be fully maintained and kept modern in view of the proposal for amortization within the 50-year period of the lease. The depreciation and obsolescence fund should therefore be large enough to accomplish this, without furnishing any excuse or justification for the licensee to let the property run down in the closing years of the lease. Any balance remaining in the depreciation fund at the close of the lease would of course be subject to the regulations of the commission.

Mr. Wheeler has estimated 3 per cent for sinking fund, a total of \$264,354.90. This liberally covers depreciation, obsolescence, and amortization, which latter is referred to more particularly in the next section. In the adjustment for Indian rental calculation, Wheeler's 3 per cent is adjusted and divided between depreciation, obsolescence at 2 per cent and amortization, 0.6 per cent, reduced from 1 per cent.

(6) *Amortization.*¹—Rocky Mountain Power Co. did not estimate an item for amortization separate from whatever may have been assignable to this from depreciation and obsolescence. Mr. Wheeler, as stated above, estimated 3 per cent for sinking fund, manifestly intending to cover amortization.

As already explained above, the Indian Bureau strongly recommends the establishment of an annual operating charge to be set aside in an amortization fund to be kept invested or to be used as a sinking fund for the redemption of the licensee's securities, said securities then to be kept alive in said sinking fund until all the securities are fully redeemed. This can be done¹ in this first Indian rental case under the special powers vested in the Secretary of the Interior. And it is especially appropriate in connection with the plan proposed in this memorandum for corporate set-up and regulation, under which the licensee will be limited to the allowed return upon the net investment after payment of all operating charges, depreciation, amortization and rental. Under this plan, it is to be noted that there will not develop either before or after 20 years, any "excess of a specified reasonable rate of return upon the actual, legitimate investment of a licensee," the disposition of which is provided for under the water power act and under regulation 17 of the commission. Under the year-to-year accounting to the Federal Power Commission, the licensee will be limited to the fair return of 8 per cent through the fixing of the wholesale rate to be charged to the parent company in the case of applicant Rocky Mountain Power Co., or to his own wholesale price of \$15 to consumers in the case of applicant Wheeler, either case of course, being subject to the approval of the Montana Public Service Commission. In the case of Rocky Mountain Power Co., this approval would be had upon the approval of the proposed contract between Rocky Mountain Power Co. and Montana Power Co. as already explained. In the absence of any possible such excess above fair return, it would therefore seem appropriate, as stated, that provision for amortization should thus be made from year to year in lieu of the amortization contemplated in the act and the regulations from excess earnings after the twentieth year.

¹ This was later determined not to be legally enforceable.

By this method assurance is had that the amortization fund will actually amortize the whole investment cost, and make possible the turning over of the project as a going concern at the end of the lease to the Government for the benefit of the Indians. The annual charge necessary to accomplish this is only 0.6 per cent—\$45,324 for the Rocky Mountain Power Co. and \$52,871 for Wheeler. This is on the assumption that the amortization fund will be invested annually at 4¼ per cent or better.

It may be suggested that the commission may determine that 2 per cent for depreciation and obsolescence is too high a rate. In such case the reduction for same might be applied toward this proposed charge for amortization, and thus bring the sum of the two charges approximately to the amounts suggested by the applicants themselves. In Wheeler's case, as already explained, his figures can be reduced. In any way that the Secretary and the commission may determine, it is to be hoped that provision will be separately made for this amortization fund.

(7) *Fair return and excess earnings.*—A return of 8 per cent upon Rocky Mountain Power's development estimate is \$635,800. The applicant divides this into bond interest at 5½ per cent, \$423,867, and net 2½ per cent, \$211,933, in accordance with the usual practice of total earnings being one and one-half times bond interest. Mr. Wheeler has made a different kind of set-up. He calculates interest at 6 per cent upon his development estimate, \$528,709.80, and finds a net surplus of \$267,278, which is 3.03 per cent additional, making a total of \$795,987.80. Under regulation and limitation to 8 per cent return this total would be reduced to \$704,946.40.

It need hardly be stated that so long as either applicant remains within the limits of an 8 per cent return and issues securities under the regulation of the commission only for value, it may make any division between bonds, preferred stock and common stock that it may find to be to its advantage in facilitating its financing.

(8) *Annual estimated generating cost per horsepower-year, including 8 per cent return at Flathead* (this is before including Indian rental): Assembling the above annual operating charges, and using the average capacity outputs of prime power, we have:

Estimated annual revenue or generating cost including 8 per cent return

	Annual charge		Capacity in horsepower	Cost		
	Per cent	Amount		Per horsepower-year	Per kilowatt-hour	Per kilowatt-hour (mills)
Rocky Mountain Power Co.:						
Estimated.....	13.6	\$1,079,680.00	68,000	\$15.88	\$21.17	2.42
Adjusted.....	14.3	1,077,804.00	80,500	13.39	17.85	2.04
Wheeler:						
Estimate (includes 9.03 per cent return and based on 6,000 cubic feet water).....	16.53	1,456,875.00	105,000	13.87	18.49	2.11
Adjusted to 8 per cent return and based on 6,000 cubic feet water.....	15.10	1,330,586.00	105,000	12.67	16.89	1.93
Adjusted to 8 per cent return and based on 5,440 cubic feet water.....	15.10	1,330,586.00	95,000	14.00	18.67	2.13

Against this for comparison is here inserted the actual for Montana Power Co. for the year 1926. (See also below.)

Annual revenue from generating 1,375,208,770 kilowatt-hours, i. e., cost including 13.84 per cent return

Montana Power Co. system (including 13.84 per cent return):

Per cent.....	19. 23
Amount.....	\$5, 325, 640
Actual horsepower generated.....	209, 316
Per horsepower.....	\$25. 44
Per kilowatt.....	\$33. 92
Per kilowatt-hour.....	3. 873

MONTANA POWER CO. SYSTEM

We now turn to the analysis of these Montana Power Co. costs, with a view to their guidance in helping to determine the proper basis of Indian rental.

Montana Power Co. system, year 1926.—The year 1926 is used for analysis. The reason is as follows: Toward the close of the hearings it was remembered that in March, 1928, responding to call from Mr. W. V. King, Chief accountant, the commission had received from the Montana Power Co. copies of the latter's reports to the Montana Public Service Commission for 1923, 1924, 1925, 1926, and 1927. The 1927 report was in somewhat different form than the others. Mr. King had then made from these reports a careful study of the costs for 1924, 1925, and 1926 of generating, transmission, and distribution per kilowatt-hour generated and kilowatt-hour sold. He had not determined these costs for 1927. In this study elimination had been made of all nonelectric or nonutility revenues and costs. The Indian Bureau exhibits presented at the hearings used these 1926 calculations, as there was not time to develop the figures for 1927, and 1928 data were not available. The year 1926 was therefore not "selected because it was a good year," as suggested in the Rocky Mountain Co.'s brief. (See also hearings, pp. 2279, 2280.) In fact, the year 1928 would probably make an even better showing. Then the company had 103 per cent utilization factor as against 96 per cent in 1926; its gross revenues from operation (see Wheeler Exhibit I) were \$10,489,777 as against \$8,635,755 in 1926; and its net return from operation was \$6,877,138 as against \$5,439,034 in 1926.

The figures relating to the Montana Power Co. follow:

Installation: 1928-29—327,750 horsepower; 245,000 kilowatts (see Wheeler Exhibit 17 and Major Butler's report); 1930 will be 387,750 horsepower, 290,000 kilowatts.

Average output capacity of prime power: 1928-29—233,700 horsepower, 175,300 kilowatts; 1926—217,467 horsepower, 163,100 kilowatts (see Major Butler's report); 1930 will be 268,400 horsepower, 201,300 kilowatts.

Kilowatt-hours generated: 1926—1,375,308,770 kilowatt-hours (company report); 1927—1,362,157,457 kilowatt-hours (company report); 1928—1,584,078,104 kilowatt-hours (hearings, p. 1445).

Kilowatt-hours sold: 1926—1,165,227,847 (Indian Exhibit 3), average price realized 7.41122 mills; 1927—1,171,162,327 (company report), average price realized 7.55506 mills; 1928—1,500,000,000 approximate (hearings p. 1477), average price realized 7.20 mills.

Maximum demand factor: Maximum load for 15 minutes, 1926, 83 per cent; maximum capacity of system, 1927, 78 per cent. (Company reports.)

Load factor: Total kilowatt-hours generated in year 1926, 83 per cent; maximum load in kilowatts for 15 minutes by 8,760 kilowatt-hours, 1927, 81.4 per cent. (Company reports.)

"Plant values" (see Indian Exhibit 3 taken from company's statement to Federal Power Commission).

Plant values

	1926	Per cent	1927
Generating plants.....	\$27,626,333.37	60.4	\$28,574,074.21
Transmission and transportation.....	6,934,635.05	15.2	7,014,046.96
Other electric.....	5,702,214.65	12.5	5,964,403.26
Nonelectric.....	5,483,415.29	11.9	5,599,514.77
Water rights, contracts, franchises, etc.....	45,746,598.36 51,491,269.56	100.0	46,952,039.20 51,699,423.37
Total.....	97,237,867.92		98,651,462.57

These figures were built up by Mr. Hogenah, of Chicago, appraisal engineer, December 31, 1922, and book-cost additions have been added thereafter, as an "appraisal of physical property *determined* (italic supplied) as of December 31, 1913, plus additions to property from December 31, 1913, to December 31, 1922." Does this language mean that the *appraisal* was determined December 31, 1913, or that the *property* was determined historically as of December 31, 1913, plus additions to December 31, 1922, and then the property so determined was appraised as of December 31, 1922? Mr. Kelly, the company's attorney, took the former view very positively, but from the testimony of Mr. Cochrane, the company's chief engineer, it is clear that he considered the appraisal values as applying to December 31, 1922. Mr. Hogenah had been employed in 1913 and again in 1922 to make depreciation studies, and it would appear that he made a fresh start on the valuations as of December 31, 1922. But how interpret the above language? In order to throw as much light as possible on this moot point, we submit the discussion which took place on the last day of the hearings (pp. 2247-2250):

Mr. SCATTERGOOD. Now, just for the purpose of explanation to the commission, that first set of figures, namely, tangibles, were calculated on the basis, were they not, of an engineer's report by Mr. Hogenah? That was made as of December 31, 1922, and thereafter book values of actual additions to property were added from year to year. Isn't that the way it was calculated?

Mr. COCHRANE. That is my understanding.

Mr. SCATTERGOOD. So that as a matter of fact, these first tangible figures represent that engineer's idea—and he was also your own engineer—of the real value of tangible property?

Mr. COCHRANE. Yes.

Mr. SCATTERGOOD. And the other items—water rights, contracts, franchises, etc.—were what you might call intangibles?

Mr. COCHRANE. Yes.

Mr. SCATTERGOOD. In other words, what those whole figures total for 1927, which is fifty-one millions and upward, really represents what is customarily called "water," doesn't it?

Mr. COCHRANE. I think somebody suggested that a column might be put for that water. But I don't think as a matter of fact that it is all water.

Mr. SCATTERGOOD. I don't suppose it is. I have no doubt that if you were asked to set a value (a "fair value") on it, you would maintain that you had a going-concern value and various other considerations that would have to be included, such as good will, that would be properly includible in the item of these intangibles, would you not?

Mr. COCHRANE. Yes.

Mr. SCATTERGOOD. So that that ("fair value"), as I understand, has never been determined—what is a fair value of the property?

Mr. COCHRANE. No.

Mr. SCATTERGOOD. Now, these represent the average 1922 reconstruction cost values plus actual investments afterwards?

Mr. COCHRANE. Yes.

Mr. SCATTERGOOD. Now, the prices prevailing about the end of 1922 were not quite the peak of the postwar prices, were they? They were a little under the peak?

Mr. COCHRANE. You mean that they had gone down a little by that time?

Mr. SCATTERGOOD. Yes.

Mr. COCHRANE. I think so.

Mr. SCATTERGOOD. But still they were fairly near the peak of 1921, were they not?

Mr. COCHRANE. I presume so.

Mr. SCATTERGOOD. So that those values that are given as of that date are probably outside of what would be a real reconstruction cost less depreciation to-day?

Mr. COCHRANE. Yes.

At this point Mr. Kelly, the company's attorney, called attention to a footnote on the engineer's valuation reading "Represents appraisal of physical property determined as of December 31, 1913, plus additions to property from December 31, 1913, to December 31, 1922." He then said:

Mr. KELLY. So that the original appraisals were made upon a basis of property values as of December, 1913, and not 1922; so that the question is misleading. The exhibit does not show that and it is not a fact.

Mr. SCATTERGOOD. Well, of course, in 1913 you did not have all of your plants built.

Mr. KELLY. No. This figure represents the 1913 valuation of such plants as were then built, plus the actual cost of such plants as were built since then, many of which were built before the war prices—the plants that were built between 1913 and 1918.

The status as to plants is as follows (see p. 1472 et seq. and Major Butler's report):

Montana Power Co.'s plants, 1929

Plant	Built	Maximum		Average		Capacity factor
		Kilowatts	Horsepower	Kilowatts	Horsepower	
Black Eagle.....	1927	18,000	24,000	15,200	20,300	0.84
Canyon Ferry.....		7,500	10,000	5,600	7,500	.75
Hauser Lake.....	1918	18,000	24,000	14,500	19,300	.80
Holter.....	1918	50,000	67,000	25,500	34,000	.51
Madison.....		9,000	12,000	8,500	11,300	.95
Mystic Lake.....		11,300	16,750	6,500	8,666	.56
Rainbow.....	{ 1910 }					
	{ 1916 }	36,000	48,000	30,500	40,667	.85
Thompson Falls.....	1916	35,000	47,000	22,000	29,300	.63
Volta.....	1916	60,000	80,000	47,000	62,667	.78
Total, 1929.....		245,000	327,750	175,300	233,700	.72
Maroney (now building).....		45,000	60,000	26,000	34,700	.58
Total, 1930.....		290,000	388,750	201,300	268,400	.69

From this table it is evident that the larger plants have been built during or since the war. Allowing half of Rainbow to pre-war and half during the war, it is seen that about two-thirds of the capacity dates during or since the war.

Some light is also furnished by Mr. Kerr's and Mr. Cochrane's answers on pages 1153 and 1193-1194 in regard to basis of valuations. Mr. Kerr and Mr. Cochrane had testified, respectively, that in round

figures the installation cost of the Montana power system and of the Flathead would be about \$100 per horsepower.

Mr. SCATTERGOOD. Did you use the same general scheme of valuation?

Mr. KERR. I would say so; yes.

Mr. SCATTERGOOD. Present-day reproduction costs?

Mr. KERR. Yes.

It was later shown by Mr. Cochrane that in the company's set-up of 68,000 horsepower and \$7,947,500 development cost of Flathead, the installation cost per horsepower would be \$116.87, not \$100, as Mr. Kerr had roughly calculated it. Also it has been shown that the system's installation cost on their own figures of valuation for 1927 was \$121.41 per horsepower. Inasmuch, therefore, as Mr. Kerr said that on a present-day reproduction cost basis the cost would be \$100 horsepower, it is evident that the company's valuation figures of 1927 used above can not be less than reproduction cost figures of present day, as Mr. Kelly's interpretation would seem to indicate.

Whatever the proper interpretation of these figures may be, it can at least be said that they form the company's own statement of values as made to the Federal Power Commission. They are the only valuation figures in the record except the assessed valuation for taxation of all the property (electric and nonelectric) at \$52,000,000 (see p. 1683). There has never been a rate case, nor has any "fair valuation" ever been placed upon this company either by the Federal Power Commission or the Montana Public Service Commission.

In the use of the word "return" as applied to the Montana Power Co., it will therefore be understood that the return is calculated upon the company's own figures, as above set forth. It is to be noted also that these valuations of the company certainly can not be less than the basis of actual investment provided in the Federal water power act, and they may and probably are much higher than said basis.

Investment cost.—Using the above generating plants figures of 1927 and the 1928 capacity figures, we have as the unit cost of development of the whole Montana Power Co.'s system: \$121.41 per horsepower; \$161.88 per kilowatt.

Actual generating revenue or generating cost including return and excess for year 1926

	Per cent on company valuation	Cost per kilowatt- hours gen- erated	Amount
Operating expenses.....	1.39	<i>Mills</i> 0.280	\$384,566.82
Overhead expenses (apportioned).....	.44	.097	132,701.85
All taxes, insurance, etc. (apportioned).....	2.81	.564	776,868.06
Depreciation, obsolescence.....	.75	.150	206,045.00
			\$1,500,181.73
Return at—			
8 per cent.....	13.84	1.607	2,210,106.64
5.84 per cent excess.....		1.175	1,615,352.36
Total.....	19.23	3.873	5,325,640.73

	Per horse- power-year	Per kilo- watt-year	Per kilo- watt-hour
Generating cost, including—			<i>Mills</i>
Return, at 8 per cent.....	\$17.72	\$23.63	2.698
Excess, at 5.84 per cent.....	7.72	10.29	1.175
Total.....	25.44	33.92	3.873

The basis for the above figures is found in Mr. King's figures as set out in Indian Exhibit 3. He therein included the items general and undistributed expenses, totaling \$466,335.58, entirely in "Distributing and all other costs." As this applies pro rata to generating and transmission costs, it is subdivided and prorated as follows:

Generating.....	60.4 per cent	\$410,841.65
Transmission.....	15.2 per cent	
Distribution, etc.....	12.5 per cent	
Nonelectric.....	11.9 per cent	55,493.93
Total.....	¹ 100.0 per cent	466,335.58

This \$410,841.65 for electric property is further subdivided in proportion to direct expenses as follows:

		Per ct.	
Generating.....	\$384,566.82	32.3	\$132,701.85
Transmission.....	237,869.02	19.9	81,757.49
Distribution, etc.....	567,801.48	47.8	196,382.31
Total.....	1,190,237.32	100.0	410,841.65

We then have adjusted costs for 1926 as follows:

Generating:		
Operating expenses (direct).....		\$384,566.82
General and undistributed (prorated).....		132,701.85
Depreciation actually charged (prorated).....		206,045.00
All taxes (prorated).....		776,868.06
Total.....		1,500,181.73
Transmission:		
Operating expenses (direct).....		237,869.02
General and undistributed (prorated).....		81,757.49
Depreciation actually charged (prorated).....		65,065.00
All taxes (prorated).....		194,999.52
Total.....		579,691.03
Distribution and other costs (electric operations):		
Distributing, commercial, consumption.....		567,801.48
General and undistributed (prorated).....		196,382.31
Depreciation actually charged (prorated).....		54,845.00
All taxes (prorated).....		160,382.93
Total.....		979,411.72

To divide return and excess between the three divisions, we proceed:

Income from electric operations, 1926 (from company report)...	\$8,635,755.33
Expenses as above:	
Generating.....	\$1,500,181.73
Transmission.....	579,691.03
Distribution, etc.....	979,411.72
Return, 8 per cent.....	3,059,284.48
Excess, 5.84 per cent.....	3,221,054.64
	2,355,416.21
	5,576,470.85

This shows that return and excess together are 64.6 per cent of gross revenue.

¹ In proportion to plant values, as per company statement.

This return and excess is then distributed in proportion to investments in plant values (electric only) as per company's statement, as follows:

Generating, 68.6 per cent:		
8 per cent return.....	\$2, 210, 106. 64	
5.84 per cent excess.....	1, 615, 352. 36	
		\$3, 825, 459. 00
Transmission, 17.2 per cent:		
8 per cent return.....	554, 770. 80	
5.84 per cent excess.....	404, 382. 19	
		959, 152. 99
Distribution, 14.2 per cent:		
8 per cent return.....	456, 177. 20	
5.84 per cent excess.....	335, 681. 66	
		791, 858. 86
Total.....		5, 576, 470. 85

Assembling the direct costs and the return and excess distributed, we then finally have:

Cost and profit of Montana Power Co. System, 1926

				Generated			Sold		
				Per kilo- watt-hour	Per horse- power	Per kilo- watt	Per kilo- watt-hour	Per horse- power	Per kilo- watt
Generating:				<i>Mills</i>			<i>Mills</i>		
Operating expenses.....	\$384,566.82			0.280	\$17.72	\$23.63	0.330	\$20.92	\$27.89
General expenses.....	132,701.85			.097			.114		
Depreciation actually charged.....	206,045.00			.150			.177		
All taxes.....	776,868.06			.564			.666		
Return 8 per cent.....	2,210,106.64	\$1,500,181.73		1.091			1.287		
Excess 5.84 per cent.....	1,615,352.36			1.607			1.897		
		3,825,459.00		1.175	7.72	10.29	1.387	9.11	12.15
		5,325,640.73		3.873	25.44	33.92	4.571	¹ 30.03	40.04
Transmission:									
Operating expenses.....	237,869.02						.204	6.39	8.52
General expenses.....	81,757.49						.070		
Depreciation actually charged.....	65,065.00						.056		
All taxes.....	194,999.52						.167		
Return 8 per cent.....	554,770.80	579,691.03					.497		
Excess 5.84 per cent.....	404,382.19						.476		
		959,152.99					.347	2.28	3.04
		1,538,844.02					1.320	¹ 8.67	11.56
Distribution, etc.:									
Distributing, etc.....	567,801.48						.487	8.09	10.79
General expenses.....	196,382.31						.169		
Depreciation actually charged.....	54,845.00						.047		
All taxes.....	160,382.93						.138		
Return 8 per cent.....	456,177.20	979,411.72					.841		
Excess 5.84 per cent.....	335,681.66						.391		
		791,858.86					.288	1.89	2.52
		1,771,270.58					1.520		13.31
								¹ 9.98	
Gross revenue from operations.....		8,635,755.33					7.411	¹ 48.08	64.91

¹ These figures vary from Indian Exhibit No. 6 because of the distribution of general expenses and because of including here \$87,655.42 miscellaneous earnings from operation which had been erroneously omitted.

From the above table it will be seen that in 1926 the earnings of the company showed per horsepower sold:

	Per horse- power-year	Mills per kilowatt- hour
Cost, including 8 per cent return.....	\$35.40	5.29
Excess of 5.84 per cent.....	13.28	2.02
Gross.....	48.68	7.41

It also shows:

Actual direct cost on current sold

	Mills per kilowatt- hour	Per horse- power	Per kilowatt-
Generating cost.....	1.287	\$8.45	\$11.27
Transmission cost.....	.497	3.26	4.35
Distribution and other.....	.841	5.53	7.37
Total.....	2.625	17.24	22.99
And—			
8 per cent return.....	2.764	18.16	24.21
5.84 per cent excess.....	2.022	13.28	17.71
Total.....	4.786	31.44	41.92
Grand total.....	7.411	48.68	64.91

In other words, \$31.44 out of \$48.68 per horsepower-year is return including excess or 64.6 per cent, i. e. of every dollar in gross revenue, 64.8 cents is return on the company's own valuation basis.

In passing it is of general interest to note:

(1) Here is a public utility hydro power company with a remarkably low average selling price of its power. In 1926 it was 7.411 mills per kilowatt-hour sold, i. e. \$48.68 per horsepower-year. In 1928 it was 7.2 mills per kilowatt-hour sold, i. e., \$47.36 per horsepower-year. Mr. Kerr, its vice president, probably is well advised in his claim that it has the lowest general average selling price of any power company in the United States. He claims it is half a cent less in average selling price than the much discussed Province of Ontario Government project.

(2) Its prices to its special large load customers are very low indeed. To its largest customer it sells at \$25 per horsepower-year with a sliding scale reducing this price even lower when certain metal prices go down. Also, its general prices to small customers throughout Montana are claimed to be uniform throughout the State, and to compare very favorably with such prices generally charged elsewhere by power companies.

(3) Yet in spite of these prices which compare so favorably with the rates for electricity generally charged throughout the United States, this company has been able to make current so cheaply through the natural advantages of its water-power sites that it actually earned 13.84 per cent in 1926 (taken as a sample year) upon its own valuation of about \$41,350,000 for its tangible property.

(4) These earnings have supported and paid returns upon a securities structure of bonds and stock totalling about twice the value of all of its tangible property. Its own valuation of its intangibles, consisting of "water rights, contracts, franchises, etc.," was about \$51,500,000.

(5) The valuation upon which this return is calculated is, as stated, the company's own valuation of its tangibles. As already pointed out, it is not entirely clear from the testimony just what the basis of values is. Assuming on the one hand that it represents the appraised value as of December 31, 1913, plus actual investments made since that date, then the tangibles approximate the basis of valuation provided for in the Federal water power act. If, on the other hand, it represents appraised values of the property December 31, 1922, plus actual investments made since then, it would represent approximately "present-day reproduction-cost values."

The so-called "fair value" fixed as a rate base by a commission in a rate case would probably be somewhere between these two ways of estimating values.

(6) No rate case has ever been brought to test this company's rates and no "fair value" basis of valuation has ever been established. Such reductions in rates as have been made have been made voluntarily by the company itself.

(7) It is apparent from the above figures that further rate reductions averaging \$13.28 per horsepower-year, or 2.02 mills per kilowatt-hour—i. e., about 27 per cent—could be made and still the rates would provide to the company an allowed return of 8 per cent upon its own valuations of its tangible property.

(8) The Flathead site No. 1 reveals \$4.33 lower generating cost per horsepower-year, including 8 per cent return, than the Montana Power Co. system generating cost in 1926, also including an 8 per cent return; and this does not include \$7.22 per horsepower generated excess earnings actually made.

(9) In the face of these figures it is apparent that the \$1 per horsepower-year offered by the company for Indian rental is far from proper compensation based on the value of the site. This will be referred to further.

(10) With regard to regulation, the jurisdiction of the Federal Power Commission and of the Secretary of the Interior in this case do not extend beyond the applicants. The Montana Power Co. is subject, as already stated, only to the jurisdiction of the Montana Public Service Commission. It would seem all the more important, therefore, that full powers of regulation be exercised by the Federal Power Commission upon the licensee, whether Rocky Mountain Power Co. or Wheeler.

IV. INTERCOMPANY PRICE

In the case of applicant Wheeler, this subject has no bearing because he sets up only one company, and fixes his output price wholesale at \$15 per horsepower. He did quote, however, a price of 2½ mills, which is \$16.34 per horsepower-year, to H. M. Byllesby & Co.'s Mountain States Power Co. at Kalispell, Mont., and found this price would interest them. Mr. Kerr, when asked, said this was a very favorable price, if there were no maximum demand.

In the case of applicant Rocky Mountain Co., the applicant's set-up in Exhibit 8 was based on \$18 per horsepower-year, which is 2.75 mills per kilowatt-hour wholesale price at bus bar. See also Rocky Mountain brief, page 6, where the explanation is made "Total cost,

(and proposed selling price) per horsepower sold, \$18." Also see pages 1333-1334.

Further references to intercompany prices in the record are also cited as follows:

(1) Mr. Kerr told the story of the pick-up bargain rate of \$10 per horsepower-year, or 1.52 mills per kilowatt-hour prevailing for a time from the Washington Water Power Co. to the Intermountain Power Co., not a criterion for present day conditions (p. 1192); also of a rate prevailing between a Stone & Webster Co. further west of \$16 per horsepower for 10,000 horsepower, plus three-fourths mill per kilowatt-hour for high-water months and 2½ mills for low-water months, which figured out is \$21 per horsepower-year, or 3.20 mills per kilowatt-hour.

(2) The price between Washington Water Power Co. and Montana Power Co. now prevailing when power is exchanged is 3 mills per kilowatt-hour (p. 1190). This is, according to Mr. Kerr, "so-called 'dump power' furnished when and as they have it, with nothing to bind them to furnish it." When asked, if it were primary power whether it would be an even higher price, he replied "Oh, yes; no doubt."

(3) Mr. Cochrane stated that if the Wheeler plan of selling only to large consumers were changed, and he developed a plan similar to that of the Rocky Mountain Power Co. and offered a price comparable to it, the Montana Power Co. might do business with him (p. 1402).

(4) Before the consolidation of its subsidiary operating companies with the Montana Power Co., the intercompany price for power exchanged was 5 mills or \$32.84 per horsepower-year (p. 2091).

(5) Finally, as to the suggested price for power between Rocky Mountain Power Co. and Montana Power Co., the record on pages 2290 to 2292 is as follows:

Mr. SCATTERGOOD. What would be the right price, do you think, for the Rocky Mountain Power Co., if its entity were continued, to charge to the Montana Power Co.?

Mr. KERR. I can't say any figure. I can't make an offhand guess at a figure, because I told you here the other day that I didn't know what the final cost would be; but I can tell you what is a common price, one that is offered by the Government, for instance, at Boulder Dam, 3 mills (or \$19.60 per horsepower); and in make dump power, so-called dump-power contracts where we charge 2½ mills (or \$16.34 per horsepower) and 2 mills (or \$13.07 per horsepower).

Mr. SCATTERGOOD. Would you feel that the commission would be well advised if it used that price of 3 mills as a price between the two companies at the bus bar?

Mr. KERR. If you charge 3 mills to the other company, I say that is all right, if it would give a proper return. It would have to be a proper return. You are asking generally what these kinds of prices are. I have told you.

Mr. SCATTERGOOD. That is what I want, because it would go into the whole picture.

Mr. KERR. And I want to emphasize that the Montana Power Co.'s 5-mill price was simply a convenient figure. It is easy to multiply by 5, and it don't make a bit of difference in the final answer.

Mr. SCATTERGOOD. Of course if you did offer the Montana Power Co. wholesale current at Flathead at 3 mills, you (the Montana Power Co.) would have to put on the additional transmission cost and your interest on your transmission machinery, and all your other charges, wouldn't you?

Mr. KERR. Yes, sir.

Mr. SCATTERGOOD. But that would be a fair price that you think could—

Mr. KERR. That is one of the prices that is around in the neighborhood that might be sold.

For purposes of easy comparison, the following conversion table is submitted:

Conversion table

Per kilowatt-hour	Horsepower year (at 6535 mills)	Kilowatt year	Per kilowatt-hour	Horsepower year (at 6535 mills)	Kilowatt year
2 mills.....	\$13.07	\$17.52	2.85 mills.....	\$18.62	\$24.97
2.10 mills.....	13.72	18.40	2.90 mills.....	18.95	25.40
2.20 mills.....	14.38	19.27	2.95 mills.....	19.28	25.88
2.25 mills.....	14.70	19.71	3 mills.....	19.60	26.28
2.30 mills.....	15.03	20.15	4 mills.....	26.14	35.04
2.35 mills.....	15.36	20.39	5 mills.....	32.68	43.80
2.40 mills.....	15.69	21.02	6 mills.....	39.21	52.56
2.45 mills.....	16.01	21.46	7 mills.....	45.74	61.32
2.50 mills.....	16.34	21.90	8 mills.....	52.28	70.08
2.55 mills.....	16.66	22.34	9 mills.....	58.81	78.84
2.60 mills.....	16.99	22.78	1 cent.....	65.35	87.60
2.65 mills.....	17.32	23.22	5 cents.....	326.75	438.00
2.70 mills.....	17.64	23.65	8 cents.....	522.80	700.80
2.75 mills.....	17.97	24.09	10 cents.....	653.50	876.00
2.80 mills.....	18.30	24.53			

V. THOMPSON FALLS AND ITS SAVINGS TO MONTANA POWER CO. IF FLATHEAD POWER SITE No. 1 IS DEVELOPED

One further feature remains to be considered. This is the benefit which will automatically accrue to the Thompson Falls plant of the Montana Power Co., located as it is down the Flathead River on Clarks Fork of the Columbia River, and which will be caused by the regulation of flow through the increased storage at Flathead. This increase of power at Thompson Falls will accrue whether the Rocky Mountain Power Co. or Wheeler is the developer of the Flathead site No. 1.

There was considerable reference in the hearings to Thompson Falls. Suffice it here to say that the Montana Power Co. itself admitted an estimated increase of 10,000 horsepower distributed over eight months of the year (pp. 1502, 1625), making about 66,000,000 kilowatt-hours additional (p. 1638). This is based on an increased flow of 2,600 cubic feet per second due to Flathead storage (p. 1626) and an average head of 50 feet and 70 per cent efficiency (pp. 1640, 1708). Taking the 1926 basis of sale and net return as already calculated, we have 66,000,000 kilowatt-hours by 7.411 mills, equals \$488,400; and 64.8 per cent for return including excess shows \$316,483 additional profit from Thompson Falls. This is on the admitted assumption that no additional transmission lines would have to be built (p. 2065), although if this added load were to be constantly transmitted east, it would be an economy to build an additional line to supplement the Milwaukee Railroad transmission line now used. If this extra Thompson Falls current were sold to the west to Washington Power Co. at 3 mills (p. 207), it would lower the average price used above.

At the hearings the increased amount shown to be available at Thompson Falls because of Flathead storage was conservatively calculated as only 43,000,000 kilowatt-hours additional, showing net gains of \$193,000.

Based on the 1928 generated output of 1,584,000,000 kilowatt-hours this increase of 66,000,000 kilowatt-hours at Thompson Falls is an increase of more than 4.1 per cent for the whole system. Using again

the 1926 cost figures and adding the \$316,483 added profit to the system shows the following:

Generating cost, 1926

	Mills per kilowatt- hour	Per horse- power	Per kilo- watt
Montana Power Co. system: 8 per cent return.....	2.698	\$17.72	\$23.63
5.84 per cent excess.....	1.175	7.72	10.29
Total, 13.84 per cent.....	3.873	25.44	33.92
Montana Power Co. system with Thompson Falls added production be- cause of Flathead storage:			
8 per cent return.....	2.698	17.72	23.63
6.99 per cent excess.....	1.340	8.80	11.73
Total, 14.99 per cent.....	4.038	26.52	35.36

Thus Thompson Falls's increase because of Flathead storage would add \$1.08 per horsepower-year to the Montana Power Co.'s system on the basis of the 1926 figures and would increase the return, including excess, to 14.99 per cent. Presumably this would be available for rate reductions to consumers. (See p. 1542.) It is not claimed here as available for the Indian rental, but, as will shortly be shown, it is an element that must enter into the calculation of the interests of the general public and of the irrigation project in particular.

VI. INDIAN RENTAL

We are now in position to assemble the elements already considered and to develop what they reveal to be available for (1) the company's return, (2) Indian rental, (3) general consumers, and (4) the special consumers in the irrigation projects. In order that full justice be done to the Indians, it is proposed here to consider the case first as if there were only the first three parties and no irrigation project, and thus to fix the proper intercompany price for the pro forma calculation of the Indian rental; then secondly to make such slight modification in said intercompany price as may be necessary to provide under existing conditions the reservation by the United States for the irrigation project of 15,000 horsepower at the prices agreed upon in advance by one of the applicants.

If the license is given to applicant Wheeler, and if the lake regulation permitted 6,000 cubic feet per second of water, as he estimated, there would then be a margin of \$2.33 per horsepower-year between his price to consumers of \$15 and his cost as adjusted to an 8 per cent return and 0.6 per cent amortization charge, of \$12.67. Out of this the Indians and the irrigation project would have to be provided for. If, however, only 5,440 cubic feet per second of water is allowed in the lake regulation, Wheeler's prime power capacity will be reduced to 95,000 horsepower, and his cost will be increased to \$14 per horsepower. There would then be a margin of only \$1 per horsepower-year between his price to consumers of \$15 and this \$14 cost. Manifestly, so far as Indian rental goes, Wheeler's proposition of selling power at \$15 per horsepower can not compare with applicant Rocky Mountain Power Co.'s intercompany price of \$18 in advantage to the Indians. Furthermore, it is to be remembered, as already shown,

that applicant Wheeler's high cost of financing and overhead and his high operating estimates penalize him about \$1.70 per horsepower-year when compared with the other applicant on the same basis of capacity, and which would otherwise be available at least in part for Indian rental.

If the license is given to Rocky Mountain Power Co., we have the following assembled elements:

Average annual generating cost

	Per horse- power year	Per kilo- watt-hour (mills)
Rocky Mountain Power Co.'s estimate, at 8 per cent return excluding rentals.....	\$15.88	2.42
Rocky Mountain Power Co.'s estimate as adjusted, at 8 per cent return, excluding rentals.....	13.39	2.04
Rocky Mountain Power Co.'s estimate, at 8 per cent return, including Indian rentals.....	16.88	2.56
Montana Power Co. system, 1926:		
8 per cent return.....	17.72	2.698
5.84 per cent excess.....	7.72	1.175
Total, 13.84 per cent.....	25.44	3.873
Montana Power Co. system, 1926, with Thompson Falls additional power added:		
8 per cent return.....	17.72	2.698
6.99 per cent excess.....	8.80	1.340
Total, 14.99 per cent.....	26.52	4.038

From the above it is to be seen that—

The adjusted estimated average generating cost for 80,500 horsepower including 8 per cent return at Flathead (\$13.39 per horsepower) is:

- (1) \$2.49 per horsepower less than applicant's own estimate of \$15.88 at 8 per cent return and excluding rentals, for 68,000 horsepower.
- (2) \$4.49 per horsepower less than applicant's own estimate of \$17.88 (round figures \$18) at 8 per cent return and including Indian rental and irrigation cost, at 68,000 horsepower.
- (3) \$4.33 per horsepower less than Montana Power Co.'s system generating cost of 1926 at 8 per cent return.
- (4) \$12.05 per horsepower less than Montana Power Co.'s system generating cost of 1926 at actual return and excess.
- (5) \$13.13 per horsepower less than Montana Power Co.'s system generating cost of 1926 with Thompson Falls additional power due to Flathead storage added at actual return and excess.

As already pointed out, the difference between the intercompany wholesale price and the annual average generating cost represents the economic rental value of the site and this should be divided between the Indians as a tribe and the general public interests (of which of course the Indians as individuals also form a part) in fair proportion. In other words, the Indians have the ownership of the five sites and of that portion of the Flathead Lake that lies within the reservation, while the State of Montana owns the remainder of Flathead Lake and the right to control the use of the waters in the lake and river over and above the prior rights of the Indians. Thus both the Indians and the general public have rightful interests in the

Flathead power development. Hence it would seem fair that whatever economic rental value this site has should be divided either approximately half to the Indians as a tribe and half to the public, or if it is really possible to determine their respective interests more exactly, that this rental value should be apportioned pro rata between them. In this connection it may be said that there are now being made in the Federal Power Commission and in the General Land Office studies of the Indian tribal lands and of Indian allotment lands, and that these seem to indicate that the Indian interests in the power development are 46.5 per cent and the non-Indian interests 53.5 per cent. However, as these studies appear to be somewhat tentative and perhaps open to certain legal uncertainties relating to the easements upon lands bordering on the lake, it seems best for the purposes of this memorandum to assume 50 per cent of the economic rental value of the site as belonging to the Flathead Indians as a tribe, and the other 50 per cent as belonging to the general public of the State of Montana. It is perhaps superfluous to add that the Indian rental will be paid to the Federal Government in trust for the Indians, and the public's interest will be under the care and protection of the Montana Public Service Commission in its regulation of the Rocky Mountain Power Co. and the Montana Power Co.

Applying the above, we have:

	Per horse-power	Round figures
Intercompany price as fixed by applicant.....	\$17.88	\$18.00
Average annual generating cost at Flathead.....	13.39	13.39
	4.49	4.61

One-half for Indians would equal, say, \$2.25 per horsepower as the proper rental, as calculated from an annual average of 80,500 per horsepower.

Another slightly more conservative way of estimating the economic rental value of Flathead site No. 1 would be to use as our intercompany wholesale price the average annual generating cost including the same basis of 8 per cent return of the Montana Power Co. system.

Thus we have:

	Per horse-power
Intercompany price, using cost of Montana Power Co. system.....	\$17.72
Average annual generating cost at Flathead.....	13.39
	4.33

One-half for Indians would equal \$2.16½ per horsepower as the proper rental, as calculated from an annual average of 80,500 horsepower.

Using the mean of these two calculations, we have \$2.21 per horsepower as a fair rental for the Indians.

If we take \$2.21 per horsepower as Indian rental we have \$15.60 per horsepower, i. e., 2.387 mills per kilowatt-hour as the adjusted average generating cost, including 8 per cent return and Indian rental. This price of 2.387 mills per kilowatt-hour for an intercompany price would

pay to Rocky Mountain Power Co. a return of 8 per cent and provide all the operating expenses including depreciation of 2 per cent and amortization charge of 0.6 per cent, which will fully amortize the investment in 50 years, if invested at $4\frac{1}{4}$ per cent, and pay an annual rental to the Indians of \$2.21 per horsepower per year. All of the public's share above referred to would under this basis through the low intercompany price be transferred from the Rocky Mountain Power Co. to the Montana Power Co. and be under regulation in that company. If, however, the higher intercompany price of 2.75 mills per kilowatt-hour, (\$18 per horsepower) were utilized the public's share would remain in the Rocky Mountain Power Co., also under regulation. There would be no difference, so far as the public interest is concerned, because in the proposed license it will be required that the securities of the Rocky Mountain Power Co. shall be regulated by the Federal Power Commission and that no bonus stock will be possible, and that all the equity-carrying common stock of the Rocky Mountain Power Co. shall be owned and be retained by the Montana Power Co. This will make possible complete regulation.

As has been shown the Indian rental for Flathead site No. 1 is obtainable only from the licensee, Rocky Mountain Power Co., and to the amount of one-half of the advantage of this site over the average of the Montana Power Co.'s system. However, the other one-half from the Rocky Mountain Power Co. accruing to the public will be added to the existing excess of the Montana Power Co. and be available under regulation for the general consumers. Thus, combining the figures for the two companies, with such a price of 2.387 mills per kilowatt-hour after paying the Rocky Mountain Power Co.'s 8 per cent return and the Indians' \$2.21 per horsepower, there would still be available for the irrigation project and general consumers under regulation the following:

	Per horsepower
With 8 per cent return only.....	\$2. 18
With 8 per cent return and present excess.....	9. 90
With 8 per cent return and excess, and including additional power at Thompson Falls due to Flathead.....	10. 98

The above figures apply to generation alone. If the return on the whole system were limited under regulation to 8 per cent, the possible rate reductions might be still further increased, as already indicated. It is especially to be noted that the above figures, including \$2.21 per horsepower to the Indians, make the estimated cost to the applicant less than its own estimated cost at Flathead by \$1.88 per horsepower, or 0.288 mills per kilowatt-hour. Thus if it were to its advantage to lease Flathead under its own estimates rather than to develop another one of its smaller and less desirable sites, it remains so still even with this higher rental to the Indians.

Another opportunity to compare the low cost of current at Flathead with general costs for current, resulting in a difference in favor of an increased Indian rental, is found in the following extract from the hearings (p. 1549):

Mr. SCATTERGOOD. There is no more virtue in that figure of a dollar to the Indians per horsepower? There is no final virtue, I would say, because you offered it?

Mr. COCHRANE (chief engineer). That figure, I can explain, was a figure which was made because in our—without making any detailed estimate as to what

we could afford to pay for this particular site we said general power at a site like this may be worth \$20 a horsepower. We are selling that at Great Falls and used that as a general figure without making any estimates, and that a dollar a horsepower—that is, 5 per cent of that probably would not be a ruinous figure.

Mr. Cochran was here speaking "by the book" when he spoke of "power like this being worth \$20 a horsepower at a site like this." As a matter of fact the system generating cost of current sold at their plants, including an 8 per cent return on the company's own valuation, has been shown above to have been, in 1926, \$20.92; if the 5.84 per cent excess is added it was \$9.11 per horsepower more, or a total of \$30.03 per horsepower on all system sales.

Now if this general figure of "\$20 per horsepower" is set over against the \$13.39 cost conservatively estimated to be the cost, including 8 per cent return, at Flathead site No. 1, it would seem proved from Mr. Cochran's own statement that \$2.21 for the Indian rental could amply be afforded without reducing at all the company's present high basis of earnings.

Another slant on the "nominal" offer of \$1 per horsepower made without regard to the site's earning power is found in its origin in the nominal charge of \$1 per horsepower formerly made by the United States Forest Service, but now no longer in use.

The following developed in the hearings (p. 1549-1550):

Mr. KERR (when Mr. Cochran was on the stand). Mr. Cochran did not make that price (the \$1 per horsepower rental). I made that price. I will tell you how I made it. It was the forest rule.

Mr. SCATTERGOOD. But that rule is no longer in existence.

Mr. KERR. It was at that time, and we are paying at that rate now. (He refers to some other plants of the system on forest lands.)

Mr. SCATTERGOOD. You have passed from that time, have you not?

Mr. KERR. Yes. They predicated that rule—

Mr. SCATTERGOOD. Because it was not an adequate rule?

Mr. KERR. That is what it was based on.

Mr. SCATTERGOOD. Thank you very much for enlightening us on that, Mr. Kerr. I thought it was not based on any calculation of the earning power of this site, because it is, of course, inadequate in that respect.

The next day the hearings proceeded (pp. 1615-1617):

Mr. SCATTERGOOD. Mr. Cochran, you heard Mr. Kerr mention that the \$1 a horsepower proposed to be paid to the Indians for rental had been taken from the scale that had been used by the Forestry Department. Do you know anything about that?

Mr. COCHRANE. Well, that refreshes my memory on the subject a little bit, and I presume that that was where the figure originated, but as for our average—that is, in assuming that figure, we assumed that it was not based on detailed calculations as to how much we thought this site was worth or how much we could be forced to pay for it, or anything of that kind; it was just a fair nominal figure taken without analysis.

Mr. SCATTERGOOD. That is just what I thought it was. Now, in the matter of this Forestry scale, do you know whether that scale is still in existence in the Forestry Department?

Mr. COCHRANE. I don't know for sure; no.

Mr. SCATTERGOOD. Do you know anything about it?

Mr. COCHRANE. No.

Mr. SCATTERGOOD. You don't know whether I am right in the impression that I gained from the head of the Forestry Service that it no longer exists?

Mr. COCHRANE. I don't know of my own knowledge; no.

Mr. SCATTERGOOD. Well, do you know whether or not, when it was in existence, it measured anything on the basis of actual values of sites, or was it, just as you say, nominal?

Mr. COCHRANE. That is my impression, that it was nominal, arbitrary.

Mr. SCATTERGOOD. Would there have been any particular reason for the United States Government on public lands to charge anything but a nominal

value? There would be no object in the Government doing it, would there? I mean nominal rental when I say value.

Mr. KELLY. Five per cent of the gross value of the product is hardly nominal.

Mr. COCHRANE. I think perhaps "arbitrary" should be used instead of the word "nominal" in this computation.

Mr. SCATTERGOOD. What I meant to say was wouldn't it be a fact that whatever charge was made by the United States Government would have to be carried through into the rate and be loaded upon the consumers.

Mr. COCHRANE. In the same way that any other charge would be; yes, sir.

Mr. SCATTERGOOD. So that in public lands and forestry cases, where there is no special ownership involved as there is in the case where Indian property is held in trust, there is no reason for the Government to make the consumer pay anything more than the real fair cost and the proper return to the company?

Mr. COCHRANE. I wouldn't think there would be any object in the Government requiring the customer to pay more than a fair charge in any event.

Mr. SCATTERGOOD. That is what I think, too, and I want to just bring it out, that so far as that nominal charge is concerned, it was nominal and was not meant to in any way measure the value of the site; and as a matter of fact that scale no longer exists.

From the above tracing of the origin of the \$1 offer it is apparent that the company was working on the assumption that the basis of rental for an Indian site might be the same as for forest or public lands, overlooking the distinction between the Government trust for the Indians in the first case and outright ownership by the Government in the second. The company was accustomed to paying the nominal \$1 per horsepower rental for the forest lands, and apparently assumed that this would be considered sufficient for Indian lands. Admittedly as Mr. Cochrane says, the company "did not base its offer on detailed calculations as to how much we thought this site was worth."

It is this lack of "detailed calculations" as to what the site is really worth to the Government in trust for the Indians that the Indian Bureau is now attempting to supply in this memorandum, and we believe a sound basis is found to be furnished for the rate of \$2.21 per horsepower in the figures above presented on the basis of 80,500 horsepower.

It may also be added that so far as the Indians are concerned from a direct financial standpoint alone, the above rental payments would lie to the advantage of the Rocky Mountain Power Co. The general consumers of the State would also profit more in possible rate reductions from the Flathead development than would be the case if the license were given to Mr. Wheeler. On the other hand, Mr. Wheeler's plans, if successful, would bring real advantages of other kinds through the introduction of new industries, new employment, new markets, etc.

MINIMUM RENTAL PAYMENTS

Another phase of Indian rental besides its rate remains to be considered.

Under Regulation 14, section 5 of the commission, it is provided that "The charge (for Indian rental) shall commence upon date license is issued."

There will necessarily be a considerable period for construction before the power will be available and earnings begin. Both applicants estimate a construction period of three years. Mr. Wheeler will take longer to get started because he has not made preliminary borings. He will also have to complete his financing and marketing plans which will take some time. He will lose 1930 low-water season. Rocky Mountain Power Co., as already pointed out, has not only

made borings, but is ready to start a construction gang immediately to work, and hopes, if granted the license, to divert the Flathead River for building the foundation of the dam in the low-water season of 1930. It is also to be noted that Mr. Wheeler at this stage is applying only for a preliminary permit for all his sites, while Rocky Mountain Power Co. is applying for both preliminary permit for four sites, and license for site No. 1. Hence in Wheeler's case, rental to the Indians will be delayed; if Rocky Mountain Power Co. is given the license, a rental will begin immediately.

The basis of rental calculation and the rates for the first 20 years suggested above are upon the assumption of the actual development of the estimated prime power. The factors in the calculation are purposely conservative, and, as heretofore stated, the estimate will probably be exceeded over the 20-year period. However, a rental so calculated would clearly not be applicable to a long construction period when no income would be obtainable. Accordingly, the Indian Bureau would suggest that for said construction period, i. e., from the date of the license to the date when the first power from Flathead is sold, an arbitrary fair minimum amount be fixed in the license by the commission and the Secretary of the Interior, say at the rate of \$20,000 per annum.

If the license is granted to the Rocky Mountain Power Co., another consideration must also be provided against for the proper protection of the Indians. That is to provide that the Flathead plant shall not be used any more than any of the other plants as a "peak load plant" in the Montana Power Co. system. This means that it should and must be so operated as to develop at least its pro rata share of the system annual load factor, and not be used only at peak times and "starved" at other times. It is not to be expected that the merging of the Flathead plant into the full-load factor of the system can be obtained the first year, probably not for three or four years. It would therefore seem fair to suggest that in the license it be provided that from the date when the first power from Flathead is sold, the rate of \$2.21 per developed horsepower shall apply, but that the company be given time to develop its full-load factor at Flathead on the following basis of progressive minimums for the early years, viz:

First year, applicant shall operate Flathead at an annual load factor (calculated the same as for the system) of not less than 60 per cent, based on the actual peak for 15 minutes.

Second year, the same except of not less than 67½ per cent load factor.

Third year, the same except of not less than 75 per cent load factor.

Fourth year and thereafter at not less than the system load factor.

In case the load factors developed at Flathead should fall below these minimums, then rentals to be based at the \$2.21 rate on the minimums, the same as if they had been reached.

If Mr. Wheeler is given the license, it would seem from his own plans that he hopes to be able to start off immediately with his load more fully developed than on the usual company basis. He should, however, be required to pay progressive minimum rentals, and after say the fourth year, be required to pay not less than 83 per cent of his full load, using there the same load factor as applies to the other applicant.

CAPITALIZED VALUE OF SITE NO. 1 BASED (1) ON INDIAN RENTALS;
(2) ON MONTANA POWER CO.'S VALUATION OF "INTANGIBLES"

The full annual earning power of site No. 1 for the Indians from Mr. Wheeler would be:

(1) $105,000 \times \$1.12\frac{1}{2} = \$118,125$ on his own basis of 6,000 cubic feet per second of water.

(2) $95,000 \times \$1.12\frac{1}{2} = \$106,875$ on the basis of 5,440 cubic feet per second of water. Capitalizing these at 8 per cent (the return allowed the licensee) gives: (1) \$1,476,562; (2) \$1,335,937.

A similar calculation for Rocky Mountain Power Co. as adjusted gives: $80,500 \times \$2.21 = \$177,905$ per annum. Capitalizing this at 8 per cent (the return allowed the licensee) gives \$2,223,812. It is clear that on this basis the latter applicant is better for the Indians on direct financial results.

Let us now make a further comparison with the Montana Power Co. system.

If this were a power development other than on Indian or public lands, the cost of site would be included in the prelicense cost of development allowed by the commission. For comparison let us add this to the estimated plant cost to find what the total investment cost per horsepower would be. We would have:

Estimated plant cost.....	\$7, 555, 400
Site, if purchased.....	2, 223, 812
Total.....	9, 779, 212

$\$9,779,212 \div 80,500 = \121.48 per horsepower as development cost. This compares with \$127.04 for the Montana Power Co. system in 1926, assuming that the company's own valuation of its generating plants at \$27,626,333 includes the values of power sites. Also it is to be seen that \$121.48 is very reasonable and is in fact low as compared to the great majority of power sites.

If, however, these company valuations do not include the values of the sites, then the values of the sites must be included in the company's "intangibles," which it describes as "water rights, contracts, franchises, etc." For purposes of comparison, let us now apply to the Flathead project the company's own valuation of these intangibles and so determine a figure comparable to the company's valuation set up, and find what per horsepower the site would be worth on this basis.

In the Montana Power Co. system the 1927 report shows:

Tangibles.....	\$46, 952, 039 = 47. 6%
Water rights, etc.....	51, 699, 423 = 52. 4%
Total.....	98, 651, 462 = 100%

Assume the same proportion for Flathead.

Now the estimated plant cost at Flathead without any value for site is.....	\$7, 555, 400
This is 47.6 per cent of.....	15, 872, 689
52.4 per cent of \$15,872,689 is.....	8, 317, 289

We then have:

Tangible plant.....	\$7, 555, 400
Intangibles, including water rights, etc., would be.....	8, 317, 289
Total value would be.....	15, 872, 689

The development cost would then be: $\$15,872,689 \div 80,500$ horsepower = $\$197.18$ per horsepower.

Using the same operating ratio of 14.3 per cent including the 8 per cent return as is used in the Rocky Mountain estimate as adjusted, we would have:

	Per horsepower
Annual generating cost, including 8 per cent return.....	\$28. 00
As compared to.....	13. 39
Increase due to "Intangibles".....	14. 61

On this basis of the company's own "watered" valuations, Flathead site No. 1 would show \$7.30, that is one-half of \$14.61 per horsepower for the Indians instead of the proposed \$2.21 per horsepower. Manifestly the company would not wish to see the Indians claim the same basis of valuation as it has used itself.

VII. THE FLATHEAD INDIAN IRRIGATION PROJECT, AND 15,000 HORSEPOWER FOR PUMPING AND OTHER USES

Early in this memorandum (p. 8) attention was called to the four interests involved in the Flathead power development, viz., (1) the company, which is entitled to its return of 8 per cent; (2) the Indian tribe, which is entitled to a fair rental for the power sites; (3) the general consuming public; (4) the special part of the public forming the irrigation project, being about 20 per cent Indian and 80 per cent white, and to whom have been promised by one of the applicants certain low rates for power up to 15,000 horsepower under certain restrictions.

Having considered the first three interests, we now turn to the fourth, the Flathead irrigation project.

Before considering the power features, however, it seems desirable at this point to insert a brief historical account of the Flathead Indian irrigation project with some comments on the water rights involved, which has been prepared by our counsel, Mr. Reeves:

HISTORY OF FLATHEAD IRRIGATION PROJECT

The Flathead Indian Reservation, Mont., embracing some 1,500,000 acres, was established in 1855 by treaty with the Confederated Flathead Tribes, being a part of the original area occupied and claimed by these Indians from time immemorial. The northern boundary of this reservation (from east to west) bisects Flathead Lake, a considerable body of navigable water some 30 miles long (north and south) by some 20 miles at its widest extremity, which is within the lower or south half of the lake and within the Indian reservation. The waters from this lake are discharged at its southern extremity into Flathead River, which traverses the reservation in a general southerly and westerly direction for a distance of some 60 miles or more. Without water for irrigation, the lands within this reservation are practically valueless for agricultural purposes and under a doctrine now well settled, the establishment of an Indian reservation, ipso facto also reserves for the Indians sufficient water for their needs for agricultural and other purposes. Of this paramount right the Indians can not be deprived by appropriation or application to beneficial use of such water by third parties. This remains true even though the application to beneficial use by third parties antedates such use of the water by the Indians themselves. As to this see *Winters v. United States* (204 U. S. 564), and *Coniad Investment Co. v. United States* (161 Fed. 829).

The reservation so established for these Indians remained practically intact until after the passage of the act of April 23, 1904. By this statute Congress directed that allotments in severalty be made to these Indians in accordance with the allotment laws of the United States and provided for the classification and disposal of the surplus or unallotted and unreserved lands for the benefit of

the Indians, under the homestead, mineral, and town site laws of the United States, at not less than the appraised value of such lands.

It appearing at an early date that some 135,000 acres within this reservation could be greatly enhanced in value by irrigation, of which approximately 78,000 acres could be furnished with water by gravity and the remainder by pumping, a comprehensive irrigation plan was inaugurated, which project has since been commonly known as the Flathead Indian irrigation project. In furtherance of the plans in connection with this work something over \$5,000,000, reimbursable funds appropriated by Congress have already been expended in order to supply these lands with water. With a view of giving timely warning of the intention of the Government in this matter "notices of appropriation" of the waters of Flathead River, including of course, those from Flathead Lake, were duly filed by the Reclamation Service in behalf of the United States and placed of record pursuant to the statutes of the State of Montana. Such action was first had early in the year 1909 and renewal or additional notice filed from time to time in compliance with the laws of the State down to and inclusive of the year 1927. As such notices will show, the purposes for which said water was appropriated were for the irrigation of lands within the Flathead Indian Reservation, for domestic uses, and for developing power for pumping and other purposes. In furtherance of these plans under authority of section 22 of the act of March 3, 1909 (35 Stats. L. 795), some 2,500 acres of land chiefly valuable for power-site purposes along Flathead River within the reservation, were withdrawn from sale, entry, or any other form of appropriation. The most valuable of the power sites along this river, within the Indian reservation, commonly referred to as site No. 1, lies 4 miles below where Flathead Lake discharges into the river of the same name. With a view of utilizing the lake as a reservoir in connection with its plans for the development of power in connection with this project, by the act of March 3, 1911 (36 Stats. L. 1066), as amended August 24, 1912 (37 Stat. L. 527), Congress directed—

"That an easement in, to, and over all lands bordering on or adjacent to Flathead Lake, Montana, which lie below an elevation of nine feet above the high-water mark of said lake for the year nineteen hundred and nine, is hereby reserved for uses and purposes connected with storage for irrigation or development of water power, and all patents hereafter issued for any such lands shall recite such reservation."

Actual development of power by the Government at site No. 1, or elsewhere within the Flathead Reservation, has not yet been had, although considerable sums have been expended and much preliminary work done with that end in view. Subsequent to the passage of the Federal water power act of June 10, 1920 (41 Stats. L. 1063), it was suggested that the power possibilities at Flathead be developed by outside interests rather than by the Government. Accordingly, an item in the act of March 7, 1928 (45 Stats. L. 212-213) authorized the Federal Power Commission upon terms satisfactory to the Secretary of the Interior to issue licenses "for the use, for the development of power sites on the Flathead Reservation and of water rights reserved or appropriated for the irrigation projects."

It was also provided that the rentals from such licenses for the use of Indian lands should be deposited in the Treasury of the United States to the credit of these Indians as a tribe. It will be observed, however, that this statute contemplates the use of both the power sites on the reservation and of the water rights reserved or appropriated for this irrigation project.

Manifestly under this situation two interests are primarily involved, (a) that of the Indians and (b) the irrigation project, meaning, of course, the landowners under that project. More accurately speaking, the interests of the Indians are twofold, first, as a tribe in the revenue to be derived from these power resources developed from their tribal lands, and, secondly, as individual allottees owning lands under an irrigation project to be supplied in part with water by pumping, power at a cheap rate being essentially for the latter purpose. Approximately 20 per cent of the irrigable lands within the Flathead irrigation project are still owned by individual members of the tribe. Necessarily the Federal Government is concerned in seeing that the Indians receive adequate compensation for the use of their lands for power-site purposes and also that its obligation to the landowners under this project is fulfilled by supplying an adequate quantity of water for irrigation at a minimum cost, it being here borne in mind that the landowners under this system, both Indian and white, are obligated to repay to the United States the cost of irrigation, on a per acre basis.

The Rocky Mountain Power Co., in its brief in support of its application for a license to develop power at Flathead (pp.63 to 68), alleges that the lands included

within the power-site area constitute 50 per cent of the value of these power resources and water the remaining 50 per cent; that the water belongs to the State of Montana, and hence the Indians are without right therein. Further, that the Indians are without right or interest in the river and lake bed. This assumption, however, is erroneous. We have just shown that the Indians have a prior right to sufficient of the waters within their reservation for irrigation and other uses, which right is augmented in no small measure by the filings made on these waters by the Government in behalf of this project, pursuant to the statutes of the State. It is also to be recalled that the south half of this lake and the river into which these waters are discharged are within the Indian Reservation. The power-site withdrawal made by the Government in behalf of this project covers certain lands lying along both sides of this stream, and as to such lands, including the river bed embraced therein, the Indian title has not been extinguished. That is to say the withdrawal for power-site purposes in no way operated to extinguish the Indian title to such lands. These Indians, therefore, have a tremendously greater interest in this situation than as alleged or represented by the Rocky Mountain Power Co.

Basing its calculations on the erroneous assumption that the 2,500 acres or less of tribal Indian lands involved represents only 1 per cent of the value of power site No. 1, the Rocky Mountain Power brief proceeds to show that its offer of \$1 for horsepower as rental for these lands would yield to the tribe a minimum annual rental of \$68,000. On this basis (1 per cent of the value yielding \$68,000 annually) the value of the entire site, including both land and water (100 per cent) would be equivalent to an annual yield in rental of \$3,400,000—manifestly fallacious.

We now return to the matter of the cost of power for pumping, etc., for the irrigation project and its association with Indian rentals.

During the past few years much discussion as well as debates in congressional committees and on the floors of Congress have taken place in regard to these alleged conflicting interests of the Indians and of the irrigation project. It was vigorously argued, on the one hand, that the Indians' ownership of the power sites is absolute; that this carried with it the right of the Indians to every cent of rental moneys obtainable; and that any reduction of power rates to the irrigation project must necessarily come out of the Indians' rental and thereby cause an unwarranted reduction thereof. On the other hand, it was as stoutly maintained that the irrigation project can not be successful without pumping; that cheap power is essential for pumping; that the Indian owners of project lands and the white settlers who have purchased lands of the project from former Indian owners, are alike vitally interested in this cheap power; and have through all their years of ownership depended upon the government's plans and promises to secure it; that the United States Government itself through its Reclamation Bureau began even though it did not complete a pumping development known as the Newell project, to pump water to the irrigation projects; that the United States irrigation project itself had made water filings under the laws of Montana to make sure of the necessary water for this pumping project; that in an appropriation act approved January 12, 1927, and in every subsequent appropriation act, Congress has provided the money and authorized the procedure with a Government power project for pumping in the event that power is not procurable from the licensing of the Flathead site. Thus has arisen an unfortunate dispute on the question of the legality of the irrigation project's rights. Certainly no one has or can successfully contest the equitable grounds of the irrigation project to consideration in the matter of cheap power, even if the legal position has been questioned by some. One of the applicants, the Rocky Mountain Power Co., has recognized this equity from the beginning and has since 1927 put on record its willingness, if granted the license,

to supply 15,000 horsepower at special prices to the irrigation project. The revised terms for this 15,000 horsepower are set forth in Exhibit 13 of the Flathead irrigation district, an intervening party in this case, and are as follows:

A. The power company would agree to deliver at its plant to be erected at the Newell site (No. 1 site) electrical energy to be used by the irrigation project exclusively for pumping water for irrigation, power required by the Government for that purpose up to 5,000 horsepower, at the price of 1 mill per kilowatt-hour delivered, and also such power up to 5,000 horsepower as may be demanded by the United States for all project and farm uses and for sale at the price of 1 mill per kilowatt-hour delivered.

B. The power company will deliver either at the Newell plant or at some place more convenient on the project, to be agreed upon, such additional power up to 5,000 horsepower, as may be demanded by the United States for all project and farm uses and for sale at the price of 2½ mills per kilowatt-hour delivered.

The Indian Bureau has the double responsibility of protecting fully the tribal rights of the Indians in the matter of power rentals and also of doing everything possible to make a success of the Flathead Indian irrigation project committed to its care. It does not consider that these interests are really conflicting in the sense of the unfortunate dispute above referred to. We have therefore first considered in this memorandum the matter of the Indian rental on its merits just as if there were no irrigation district at all; we have accordingly proposed what seems to be a fair rate of rental, of \$2.21 per horsepower; and we have indicated that in the pro forma estimated basis of calculation this involves, if the license is granted to the Rocky Mountain Power Co., an intercompany price of 2.387 mills for the current sold by the Rocky Mountain Power Co. to the Montana Power Co.

This Indian rate of rental having thus been fixed, we can properly turn to the irrigation project and consider it as one special group of general consumers that the United States Government is particularly interested in protecting to the extent of 15,000 horsepower for pumping and for the project and for sale. The justification for this is that the irrigation project is the Government's own project, and the Government's hope of reimbursement depends upon the project's success. The provision for sale of current in the above quotations was based on the expectation that a profit can be realized on the retail sale of electric current purchased at low wholesale prices, and that this profit will enable the Flathead irrigation district to be an assured success and thus reimburse the project's construction costs to the Government more rapidly than would otherwise be possible. In anticipation of this profit from power as first proposed to be made by the Government itself, Congress in the act of May 10, 1926, provided for its disposition in an order of precedence not necessary to state here, and which was fully explained in the hearings by Congressman Cramton, chairman of the House subcommittee on Appropriations for the Department of the Interior.

Now of the prices for power quoted above, that for 10,000 horsepower at 1 mill is lower than the above proposed intercompany price of 2.387 mills; but that for 5,000 horsepower at 2½ mills is actually a trifle higher. Our problem then is to see how much the intercompany price for the large amount of current sold to the Montana Power Co. needs to be raised in order to offset these relatively small amounts of current at these prices to be reserved by the applicant for the United States for the use of the irrigation project.

This involves an estimate of the load factors of pumping, of resale for farms, etc.; also the number of days of pumping required for the project and the dates. From this a study has been made of the overlap of the irrigation period with the surplus water period, and the consequent proportion of secondary power and of primary power. There was much discussion in the hearings on this subject. Suffice it here to say that the testimony showed an outside demand of 111 days for pumping for irrigation purposes, and that for the purpose of an estimate about 51 per cent would be secondary power and 49 per cent primary power. (See Indian Exhibit 7 prepared by the Rocky Mountain Power Co.) The Rocky Mountain Power Co. submitted in its Exhibit 12 an estimate of its loss through the sale of this block of 15,000 horsepower at the prices quoted. It showed (see below) that the sale of this power would bring \$60,500, but that it would cost \$123,000, showing a loss of \$62,500. Allowing 4,000 horsepower as primary power for the irrigation project, the company deducted this from its estimated capacity of 68,000 horsepower and charged the remaining 64,000 horsepower with the above cost of \$62,500, making its estimated cost for the irrigation power \$0.98 per horsepower, or \$1 in round figures. This estimate of \$123,000 cost for this power was figured on a basis of arbitrarily including a maximum demand factor of—

15,000 maximum horsepower at \$5.45.....	\$82, 000
4,000 average horsepower at \$10.20.....	41, 000
Total.....	123, 000

Attention should be called to the fact that in making the above quotations to the irrigation project no maximum demand factor was therein included, the quotations being straight kilowatt-hour prices. Why, then, should not a straight kilowatt-hour average cost be likewise used in reckoning the difference between actual revenue and actual cost? This average basis would surely be true to facts in this company's load, because what power under the maximum the irrigation project will not take will not thereby be lost, but will be otherwise absorbed into the system and realized on.

Assuming the company's own calculations of load as set forth in Exhibit 12, we then have:

Maximum horsepower	Average horsepower	Average kilowatts	Kilowatt-hours	Price	Revenue
10, 000	¹ 3, 000	2, 250	19, 600, 000	\$0. 001	\$19, 600
5, 000	² 2, 500	1, 875	16, 360, 000	. 0025	40, 900
15, 000	5, 500	4, 125	35, 960, 000	-----	60, 500

¹ 30 per cent load factor.

² 50 per cent load factor.

For the sake of conservatism, let us assume that all of the 5,500 horsepower is prime power.

The average sale price of the 35,960,000 is \$0.0016824 per kilowatt-hour; i. e., \$11.05 per horsepower.

The estimated cost with 8 per cent return and including \$2.21 Indian rental has been shown to be \$15.60 per horsepower or 2.387 mills per kilowatt-hour.

Then 35,960,000 kilowatt-hours by 2.387 equals \$85,836 is the cost of this power.

Hence, on the company's own basis of load factors, and even disregarding secondary power, and on the basis of average cost, this block of 15,000 horsepower at the prices quoted will produce an out-of-pocket loss of only \$25,336. This represents about \$0.32 per horsepower for the 80,500 capacity at Flathead instead of \$0.98 per horsepower the way the company figured it.

Now returning to the necessary adjustment of the intercompany price to provide for these 15,000 horsepower for the irrigation district, we have:

528,800,000 kilowatt-hours at 2.387 mills (at \$15.60 per horsepower) -	\$1, 262, 246
35,960,000 kilowatt-hours at 1.6824 mills-----	60, 500
492,840,000 kilowatt-hours at 2.439 mills (at \$15.94 per horsepower) -	1, 201, 746

Hence by the raising of the intercompany price from 2.387 mills to 2.439 mills; i. e., from \$15.60 per horsepower to \$15.94 per horsepower, for the 492,840,000 kilowatt-hours sold by Rocky Mountain Power Co. to Montana Power Co., the 15,000 horsepower for the irrigation project can be sold at the prices quoted and the Rocky Mountain Power Co. will still have its full average revenue of 2.387 mills; i. e., \$15.60, which will enable it to pay the undiminished Indian rental of \$2.21 and preserve its own 8 per cent return.

Mr. Wheeler stated at the hearings that if granted the license he would be willing to supply the irrigation district with power as the commission might require.

Assuming, then, the same power requirements and the load factors as used above for the other applicant, we would have for Wheeler on his estimate of 6,000 cubic feet per second of water:

(1) The same revenue, viz, \$60,500, based on the average price of 1.6824 mills per kilowatt-hour.

(2) His cost of \$15 per horsepower at 8 per cent return and including \$2.33 for Indian rental is 2.2813 mills per kilowatt-hour.

We have then on Wheeler's estimated capacity of 689,000,000 kilowatt-hours:

689,000,000 kilowatt-hours at 2.2813 mills (\$15 per horsepower) ----	\$1, 571, 816
35,960,000 kilowatt-hours at 1.6824 mills-----	60, 500
653,040,000 kilowatt-hours at 2.3143 mills (\$15.20 per horsepower) --	1, 511, 316

This would mean either (1) Mr. Wheeler would have to raise his price to consumers from \$15 to \$15.20 per horsepower; or (2) he would have to cut the Indian rental by \$0.20 as suggested above; or (3) he would have to be satisfied with \$0.20 per horsepower less return than he is entitled to.

If only 5,440 cubic feet per second of water is available, a similar calculation will result in a cost of \$15.23, so that there would be a \$0.23 adjustment as above instead of \$0.20.

CONCLUSION IN RE 15,000 HORSEPOWER FOR IRRIGATION PROJECT

The Indian Bureau believes that the matter of this 15,000 horsepower for the irrigation project has had far more adverse discussion than it deserves; that it would be most fortunate for the best interests

of the Indians and of their neighbors if all would realize that they have common interests in making the irrigation project a success for the good of all; that accordingly the obtaining of this cheap power for the project's use in pumping and for farms, etc., is highly desirable; and in fact that it is unthinkable that the opportunity to get it shall not be availed of. This does not mean, as some friends of the Indians may have feared, that the Indian Bureau does not recognize fully the rights of the Flathead Indian Tribe as the equitable owner of the power sites concerned. These rights are fully recognized and preserved and no precedent to the contrary can be set up from the disposition of this case. And further, while thus recognizing the tribal interest, the Indian Bureau also recognizes the rights and equities of individual members of the tribe as residents in and owners of land in the community chiefly to be benefited by the erection of the power project or projects including the Flathead irrigation project, dependent in part, as it is, on power at a reduced rate to supply water for irrigation and other purposes.

Accordingly, we urge the Secretary of the Interior and the Federal Power Commission in granting a license for site No. 1 to either of the applicants, to insert in said license conditions for the reserving to the United States Government for the use and benefit of the Flathead irrigation project of 15,000 horsepower of electric power substantially as set forth in paragraphs A, B, D, E, K, L, and N of the Rocky Mountain Power Co.'s memorandum of February 17, 1927, as amended December 30, 1928, by agreement with the Flathead irrigation district, and on the terms and conditions therein stated. See Exhibit 13 of Flathead irrigation district, intervening party to the proceedings.

VIII. THE FOUR OTHER FLATHEAD POWER SITES.

It is the task of the Indian Bureau to secure all possible advantages to the Indians while preserving the interests of the public. Hence, the fullest possible development of the Flathead sites would seem to be desirable from the standpoint of the Indians' interests.

Applicant Wheeler has applied for a preliminary permit for all five sites but is not ready to apply for a license to proceed with any immediate development. Applicant Rocky Mountain Power Co., on the other hand, has applied for a license for immediate development of site No. 1, and for a preliminary permit for the other four sites, but it stated in the hearings it could not tell when, if at all, it would develop these four sites.

In view of the immediate and financial advantage to the Indians in the development of site No. 1 by the Rocky Mountain Power Co., provided an adequate rental basis can be agreed upon, the Indians' interest would seem to be secured by the issuance of such a license for site No. 1. If site No. 1 should be thus licensed to this applicant, the Indian Bureau would hope that a preliminary permit for one or more of the other four sites for a limited period might also be issued to applicant Wheeler, so that if he can be successful in bringing new industries to the Flathead neighborhood, as he hopes, the chance may be given him to do so. It is the Indian Bureau's understanding that the license for site No. 1 would have in it an article that will provide for

Flathead power applications—analysis of power features for site No. 1

Factors	Estimates		Actual		Indian Office adaptations	
	Rocky Mountain estimates	Wheeler's estimates	Montana Power Co. System—Actual	Rocky Mountain Power Co.	Wheeler's	
Cubic feet per second, 90 per cent of the time	Without dredging of lake outlet, 5,400	With dredging of outlet, 6,000		With dredging if required, 5,440	With dredging (as estimated, 6,000; as adjusted, 5,440)	
Static head	185 feet	175 feet		185 feet	175 feet	
Effective head	Calculated on static head, 70 per cent	Calculated on effective head, 87½ per cent	Volta plant, 74 per cent	77 per cent	87½ per cent	
Overall efficiency	85 per cent	100 per cent	Company average for last 5 years, 91 per cent	91 per cent	100 per cent	
Utilization factor						
Installation:						
Horsepower	150,000	150,000	1928, 327,750 ¹	150,000	150,000	
Kilowatts	112,500	112,500	1928, 245,812 ¹	112,500	112,500	
Average output:						
Prime, horsepower	68,000	104,000	1928, 233,700; 1929, 217,467 ²	60,375	As estimated, 105,000	
Prime, kilowatts	51,000	78,750	1928, 175,300; 1929, 163,100 ²	60,375	As adjusted, 95,000	
Average output, kilowatt-hours	446,000,000	689,000,000	Actual kilowatt-hours generated, 1926, 1,375,208,770; 1928, 1,584,078,104	528,885,000	As estimated, 689,000,000; As adjusted, 694,150,000	
Actual output:						
Horsepower						
Kilowatts			209,316 ³			
Peak load of plant on basis of 83 per cent annual load factor:			150,987 ³			
Annual capacity factor based on installation	83 per cent	70 per cent	83 per cent (1926 company report)	87,000	As estimated, 125,000	
Total investment cost, site No. 1	\$7,947,300	\$8,811,830	233,700	24,750	As estimated, 94,500	
Investment cost per—			327,750 71 per cent	50,500	505,000	
Average prime horsepower	\$116.87	\$83.92	1926 company report, \$27,626,323.37; 1927 company report, \$28,374,074.21	150,000 53 per cent	150,000 as estimated, 70 per cent	
Average prime kilowatts	\$155.83	\$111.89	Based on average output: 1926, \$127.04; 1927 investment cost, 1928 capacity, \$121.41	\$7,555,400 ⁴	\$8,811,830	
Annual generating cost site No. 1 (including return):			Based on average output: 1926, \$169.29; 1927 investment cost, 1928 capacity, \$161.88	\$33.55	As estimated	
Operating expenses	0.8 per cent	1.5 per cent		\$125.13	As estimated	
Repairs	0.8 per cent	0.5 per cent	1.39 per cent, 0.280 mill. ⁵		As adjusted	
Overhead expenses	0.5 per cent	0.5 per cent	0.44 per cent, 0.007 mill.	0.85 per cent	1.5 per cent	
Taxes, insurance, etc.	2 per cent	1 per cent	2.81 per cent, 0.594 mill. ⁶	0.85 per cent	0.5 per cent	
Depreciation, obsolescence	2 per cent	1.5 per cent	0.75 per cent, 0.180 mill. ⁶	0.85 per cent	1 per cent	
Amortization		3 per cent		0.60 per cent	1 per cent	
Return on investment				0.60 per cent	1.5 per cent	
Bond interest	5½ per cent	6 per cent ⁷		0.60 per cent	0.5 per cent	
Net	2½ per cent	3.03 per cent ⁸	13.84 per cent (1.607 mills, 1,103,088.16 (8 per cent return); 1.175 mills, 3,722,370.85 (5.94 per cent excess))	0.60 per cent	0.5 per cent	
Total	13.60 per cent	16.53 per cent		8 per cent	8 per cent ⁹	
Rentals (Indian)	0.85 per cent, at \$1 per horsepower	1.34 per cent, 165,000 horsepower at \$1.125	19.23 per cent, 3,873 mills, 3,825,459.00	604,320	704,946.40	
Settlers allowance	0.85 per cent, at \$1 per horsepower					
Revenue or generating cost, including rentals (including return)	15.3 per cent	17.87 per cent ⁸		14.30 per cent	18.1 per cent	
Annual generating cost, including return and excluding rentals:				1,077,804	1,380,686.30	
Per horsepower year	\$15.88	\$13.87	Return, at 8 per cent			
Per kilowatt year	\$21.17	\$18.49	Excess at 5.94 per cent	17.72	As estimated	
Annual generating cost, including return and rentals:			Return, at 8 per cent	7.72	As adjusted	
Per horsepower year	\$17.58	\$15.00	Excess, at 5.94 per cent	23.63	As estimated	
Per kilowatt year	\$23.84	\$20.40		10.29	As adjusted	
Generating cost per prime kilowatt-hour only, excluding rentals	2.42 mills	2.11 mills				
Generating cost per prime kilowatt-hour only, including rentals	2.72 mills	2.28 mills	Return, at 8 per cent, 2.698 mills; Excess, at 5.94 per cent, 1.175 mills	\$15.00	Including rentals to Indians, \$2.13 per horsepower (as estimated), \$15. For settlers, \$0.20 per horsepower (as estimated)	
				\$30.80	As estimated, 1.92 mills	
				2.04 mills	As adjusted, 2.13 mills	
					As estimated, 2.28 mills	

¹ Wheeler's Exhibit 17 and Major Butler's report.

² From Major Butler's supplementary report.

³ Changing company's figures by deducting development expenses.

¹ Wheeler's Exhibit 17 and Major Butler's report.

² From Major Butler's supplemental report.

³ Kilowatt-hours sold in 1928, 1,186,277,247.

⁴ Changing company's figures by deducting development cost \$492,100 and adding dredging cost, \$100,000.

⁵ Cost per kilowatt-hour generated.

⁶ All taxes.

⁷ Reduced.

⁸ Wheeler's return is 9.08 per cent.

NOTE.—Actual kilowatt-hours generated 1927, 1,362,167,487; kilowatt-hours sold 1927, 1,171,162,327; kilowatt-hours generated 1928, 1,584,078,104; kilowatt-hours sold 1928, 1,500,000,000 (approximate).

NOTE.—No allowance is here included for Thompson Falls added profit to Montana Power Co. This will be under regulation of Montana Public Service Commission.

regulation of the lake under such reasonable rules and regulations as the Federal Power Commission may prescribe for the fullest practicable utilization of the waters of Flathead River; and that under this protection, applicant Wheeler could successfully develop the lower sites. Such an arrangement would assure an early income to the Indians from site No. 1 and would also exploit the possibilities of the other sites for industrial development, which would furnish opportunities for development, the opening of a local market, etc.

So far as concerns the fixing of a rental to the Indians for these lower sites, the Indian Bureau believes that the facts concerning each site can best be considered separately at the time of the issuance of a license for it, and that the rental can then be fixed for it as a separate proposition following the precedent and the experience gained in the way that site No. 1 works out.

CONCLUSION

In concluding this memorandum on the Flathead power development, we are pleased to state that it seems possible at last to solve this complex problem which has been so fraught with disputes for such a long time, and do it to the satisfaction of all of the interests involved. Upon analysis it has developed that the advantages and resulting low costs of this power site will make it possible (1) to give the developing licensee a full return upon the investment; (2) to considerably increase the Indian rental beyond the offers made or even the expectations of the Indians; (3) to provide for the full amortization of the power development cost during the 50-year period of the lease and at the close of the lease its return to the Government for the Indians as a going concern fully paid for, then to be released or otherwise disposed of as may then seem best; (4) to accommodate the irrigation project by the granting in full of its request for cheap power; (5) should the license be granted to the Rocky Mountain Power Co., to make available from the Flathead development itself and from the beneficial effects therefrom upon the Thompson Falls plant of the Montana Power Co. certain further amounts which under the regulation of the Montana Public Service Commission will be available for rate reductions for the benefit of the general consumers of the latter company; (6) should the license be granted to Mr. Wheeler, to make available from the Flathead development advantages to the Indians and other people of that section from the introduction of new industries, with resulting opportunities for new employment, new markets, etc.; (7) to establish a method of calculation of Indian rentals for power sites; (8) to provide for proper regulation by the Federal Power Commission in conjunction with the State public service commission that is involved, of the licensee that makes the development.

Respectfully submitted.

J. HENRY SCATTERGOOD,
Assistant Commissioner.

7133. Effect of decree. Any person or persons appropriating water under the provisions of this act shall be subject to, bound by, and shall comply with any decree of court adjudicating the waters of such stream, or any stream of which the same may be a tributary or feeder, as fully and to the same extent as if said person or persons were original parties to the action wherein the said decree is made and entered, and any water commissioner or commissioners, appointed by the court to distribute waters under any decree, shall have jurisdiction over and shall distribute any waters appropriated under the provisions of this act, according to priority.

History: En. Sec. 12, Ch. 185, L. 1907; Sec. 4879, Rev. C. 1907; re-en. Sec. 7133, R. C. M. 1921.

7134. United States may take ditches by right of eminent domain. Where, in the course of the construction of irrigation works, the secretary of the interior, or any person or agent authorized to act in the premises, deems it necessary to use the right-of-way of any existing ditch, canal, or reservoir, such right and privilege may be enjoyed by the government of the United States under and subject to either of the following provisions, to-wit:

1. The existing ditch, canal, or reservoir may be condemned as provided by law.

2. The existing ditch, canal, or reservoir, after having been condemned as provided for by law, may be enlarged or extended by the United States without charge or cost to the owner or owners thereof; provided, that such enlargement or extension shall not be so made as to deprive any owner of such reservoir, ditch, or canal of the water rights and privileges owned or enjoyed at the time of such enlargement or extension, but such rights shall be and remain undiminished and unimpaired by, through, or on account of such extension or enlargement, and the ownership or the right to the use and enjoyment of such water rights and privileges by any owner thereof in and through the enlarged or extended reservoir, canal, or ditch shall never be questioned by the United States, its successors or assigns, but shall be perpetually recognized and facilitated.

History: En. Sec. 1, Ch. 70, L. 1905; re-en. Sec. 4691, Rev. C. 1907; re-en. Sec. 7134, R. C. M. 1921.

References

Cited or applied as section 4891, Revised Codes, in *Prentice v. McKay*, 38 M 114, 117, 98 P 1081; *Bailey v. Tintinger*, 45 M 154, 107, 122 P 576.

7135. Appropriation of waters for use out of state—regulation. None of the waters in the state of Montana shall ever be appropriated, diverted, impounded, or otherwise restrained or controlled while within the state for use outside the boundaries thereof, except pursuant to a petition to and an act of the legislative assembly of the state of Montana permitting such action, and any appropriation, diversion, impounding, restraining, or attempted appropriation, diversion, impounding, or restraining, contrary to the provisions of this act shall be null and void; and all officers, agents, agencies, and employees of the state are prohibited from knowingly permitting, aiding, or assisting in any manner such unauthorized appropriation, diversion, impounding, or other restraint. It shall be unlawful for any

person, persons, or corporation, directly or indirectly, personally or through agents, officers, or employees, either to attempt to so appropriate, divert, impound, or otherwise restrain or control any of the waters within the boundaries of this state for use outside thereof, except in accordance with the terms of this act.

History: En. Sec. 1, Ch. 220, L. 1921; re-en. Sec. 7135, R. C. M. 1921.

CHAPTER 82

WATER COMMISSIONERS—DETERMINATION OF JOINT RIGHTS

- Section 7136. Appointment of water commissioners.
 7137. Appointment of commissioners to admeasure and distribute waters.
 7138. Oath and bond of water commissioners.
 7139. Term of office of water commissioner.
 7140. Power of commissioners in distributing water—expenses.
 7141. Maintenance and repair of ditches or systems.
 7142. Failure to perform duty a contempt of court.
 7143. Further authority of commissioners—arrests.
 7144. Record of daily distribution of water.
 7145. Charges and expenses.
 7146. Telephone expenses.
 7147. Apportionment of fees and expenses.
 7148. Objections to expenses—retaxation and adjustment.
 7149. Effect of order fixing fees and compensation—leases—issuance of execution.
 7150. Complaint by dissatisfied user—procedure on.
 7151. Users to maintain headgates and measuring devices.
 7152. Action to determine rights to use of water as between partnership, tenants in common, or corporation.
 7153. Appointment of commissioner to distribute water during pendency of action.
 7154. Oath of commissioner—division of water.
 7155. Authority of commissioner.
 7156. Compensation of commissioner—distribution of expense.
 7157. Interference with duties of commissioner a contempt.
 7158. Appointment of water commissioner after final decree—distribution of water—proviso.
 7159. Compensation of commissioner—apportionment—lien—execution—taxation of costs.

7136. Appointment of water commissioners. Whenever the rights of persons to use the waters of any stream, ditch or extension of ditch, water-course, spring, lake, reservoir, or other source of supply have been determined by a decree or decrees of a court of competent jurisdiction, it shall be the duty of the judge of the district court having jurisdiction of the subject matter, upon the application of the owners of at least ten per cent. of the water rights affected by the decree or decrees, in the exercise of his discretion, to appoint one or more commissioners, who shall have authority to admeasure and distribute to the parties bound by the decree or decrees the waters to which they are entitled, according to their rights as fixed by such decree or decrees. At the time of the appointment of any water commissioner or water commissioners, his or their fees and compensation must be fixed in the order.

History: Earlier acts relating to water of 1905. These acts appeared as sections commissions were Secs. 1 to 3, pp. 136 and 4881 to 4889, Revised Codes 1907, and were 137, Laws of 1899, and chapter 64, Laws repealed by chapter 43, Laws of 1911.

water
and
creation
districts

for the discharge of assessments levied on stock appurtenant to lands then determined to be non-irrigable.

History: En. Sec. 2, Ch. 29, L. 1915; re-en. Sec. 7163, R. C. M. 1921.

7164. Division of irrigation project into districts and election of directors. Such water users' association shall be permitted to divide the area under such irrigation project into as many districts as there are directors provided for in its articles of incorporation, and each district shall elect one director for a term not to exceed five years; provided, however, that at the first election held to elect directors under the provisions of this act, each district shall elect one director, who shall hold office for such a term of years as the by-laws shall provide, and thereafter a director shall be elected in the district and at the annual election held just prior to the expiration of the term of office of the director of that district.

History: En. Sec. 3, Ch. 29, L. 1915; re-en. Sec. 7164, R. C. M. 1921.

7165. Vacancies in board of directors. In case of a vacancy in the board of directors from any cause, the board shall fill such vacancy by appointment to hold to the end of that fiscal year, and a director shall be elected at the annual election in the district where such vacancy occurs to fill the unexpired term of such vacancy.

History: En. Sec. 4, Ch. 29, L. 1915; re-en. Sec. 7165, R. C. M. 1921.

CHAPTER 84

IRRIGATION DISTRICTS—ORGANIZATION

Section 7166. Creation of irrigation districts—percentage of title holders required—what constitutes evidence of title—report of state engineer—payment of expenses.

7167. Petition for organization.

7168. Order and notice of hearing on petition.

7169. Hearing on petition and appointment of commissioners.

7170. Qualifications of commissioners and term of office—official bond.

7171. Organization of board of commissioners—officers—compensation—office of board to be designated.

7172. Meetings of the board.

7173. Salary of commissioners—penalty for interest in contract—bonds of commissioners.

7166. Creation of irrigation districts—percentage of title holders required—what constitutes evidence of title—report of state engineer—payment of expenses. Sixty per centum in number of the holders of title or evidence of title to lands sought to be included in an irrigation district and which are susceptible of irrigation, such holders of title or evidence of title also representing sixty per centum of the acreage of said lands, may propose the establishment and organization of an irrigation district under the provisions of this act; provided, however, that when any of such land sought to be included in such irrigation district is covered by mortgage or other lien then the owner or owners of such land shall first procure the written consent of the holder of such mortgage or other lien before proposing the establishment and organization of such irrigation

district. Irrigation districts may be formed in order to cooperate with the United States under the federal reclamation laws heretofore or hereafter enacted, or under any act of congress which shall permit of the performance by the United States of work in this state, for the purposes of construction of irrigation works, including drainage works, or for purchase, extension, operation, or maintenance of constructed works, or for the assumption, as principal or guarantor, of indebtedness to the United States on account of district lands. When so organized, such district shall have the powers conferred or that may hereafter be conferred, by law upon such irrigation district, provided, however, that (in) all irrigation districts organized in connection with United States reclamation projects a majority of the holders of title or evidence of title to lands sought to be included in such irrigation district under the provisions of the act, may propose the establishment and organization of such district.

The certificate of the county clerk and recorder, or the certificate of the register of the state land office, shall be sufficient evidence of title for the purpose of this act. Where lands have been purchased from the state and part or all of the purchase money has been paid, but the patents or deeds from the state to such lands have not been issued, the receipt or receipts held by the purchasers, or the certificate of the register of the state land office showing the payments on account of purchase, shall be evidence of title to such lands under this act.

Before any such district shall be established, there shall be presented to the district court at the hearing on the petition for such establishment, a written report or opinion from the state engineer on the engineering features involved and the possibilities of water supplies accompanied by a copy of the decree of the district court showing the adjudicated water rights in said streams from which said waters are to be diverted. For this purpose, a copy of the petition provided for in section 7167 of this code, and of all maps and other papers filed with the same, shall be filed with the state engineer at the time the original petition is filed with the clerk of the district court. The expense, if any, incurred by the state engineer (other than his salary), in his investigation and report upon the proposed district shall be certified, with his report, and that said engineer shall, within a period of one hundred twenty days from the filing of said petition with the state engineer, render his report, as herein provided, to the said district court, and shall be assessed as costs in said hearing, which costs shall be paid by the district in event of its establishment and in event such petition be denied, then such costs shall be paid by the petitioners; provided, however, that such report or opinion shall be not requested or obtained, and shall not be necessary, whenever it is proposed to cooperate with the United States under the federal reclamation laws heretofore or hereafter enacted, or under any act of congress which shall permit of the performance by the United States of work in this state, for the purposes of construction of irrigation works, including drainage works, or for purchase, extension, operation or maintenance of constructed works, or for the assumption, as principal or guarantor, of indebtedness to the United States on account of district laws.

Helpful
Hints

8: By section 1 of the Act of February 8, 1887, 24 Stat. 388, 25 U.S.C.A. S 331 and note, it was provided: "That in all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use,***the President of the United States be, and he hereby is, authorized, whenever in his opinion any reservation or any part thereof of such Indians is advantageous for agricultural and grazing purposes, to cause said reservation, or any part thereof, to be surveyed,***and to allot the lands in said reservation in severalty to any Indian located thereon in (specified) quantities."

ACTS RELATING TO FLATHEAD INDIAN RESERVATION.

AN ACT To provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled—

Sec. 29. That the Secretary of the Interior be, and he is hereby, authorized to classify and appraise, under such rules and regulations as he may prescribe, all of the vacant, unallotted, and unreserved lands of the Flathead Indian Reservation, in the State of Montana, which have not been classified and appraised as provided for by the Act of Congress approved April twenty-third, nineteen hundred and four, entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," and the classification and appraisal made hereunder shall be of the same effect as provided for in said Act: and the said Secretary is hereby authorized to dispose of all lands classified as "barren," "burned over," and "containing small timber," under such rules and regulations as he may prescribe, at not less than their appraised value.

Classification, etc., of vacant lands.
Vol. 22, p. 302

Disposal of

Approved, June 26, 1910. (36 Stat. L., p. 863.)

AN ACT Making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and twelve.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled—

For the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana, and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, four hundred thousand dollars.

Irrigation.

In the issuance of patents for all tracts of land bordering upon Flathead Lake, Montana, it shall be incorporated in the patent that the conveyance is subject to an easement of one hundred linear feet back from a contour of elevation nine feet above the high water mark of the year nineteen hundred and nine of Flathead Lake, to remain in the Government for purposes connected with the development of water power.

Easement reserved for water power.

Approved, March 3, 1911. (36 Stat. L., p. 1066.)

AN ACT Authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to cause to be classified or reclassified and appraised or reappraised, in such manner as he may deem advisable, the unallotted or otherwise unreserved lands

Indian Reservations.
Classification, etc., of unallotted lands authorized.

relating to such waters, be prima facie evidence of the facts therein found, determined, and decreed, respecting the rights of parties to said action to the use of the waters of said stream or other water supply.

History: En. Sec. 1, Ch. 95, L. 1905; re-en. Sec. 4867, Rev. C. 1907; re-en. Sec. 7128, R. C. M. 1921.

Operation and Effect

Under this section the court in water right suits is not bound by a stipulation of the parties as to the general character and quality of the soil of their respective

lands or the amount of water required for their successful and economical irrigation. *Allen v. Petrick et al.*, 69 M 373, 378, 222 P 451.

References

Anaconda Nat. Bank v. Johnson et al., 75 M 401, 410, 244 P 141.

7129. Appropriations of water subject to prior decrees adjudicating rights. All water hereafter appropriated by any person, association, company, or corporation, after the passage of this act, from any stream, creek, spring, canyon, river, or ravine in this state, in which the water rights therein have been adjudicated and decreed prior to the passage of this act, and a decree of a court of competent jurisdiction entered therein, shall be subject to such decree.

History: En. Sec. 1, Ch. 185, L. 1907; re-en. Sec. 4868, Rev. C. 1907; re-en. Sec. 7129, R. C. M. 1921.

Operation and Effect

Held that Chapter 185, Laws of 1907 (sections 7129-7133), regulating the meth-

od by which appropriations of water from adjudicated streams could be made, was not, but that Chapter 228, Laws of 1921 (sections 7119-7127), amendatory thereof, is exclusive. *Donich et al. v. Johnson et al.*, 77 M 229, 244, 250 P 963.

7130. Non-adjudicated streams not affected. In all streams, creeks, springs, canyons, rivers, and ravines, in which the water rights therein have not been adjudicated by a court of competent jurisdiction, water shall be appropriated in the same manner as provided by law at the time of the passage of this act.

History: En. Sec. 2, Ch. 185, L. 1907; Sec. 4869, Rev. C. 1907; re-en. Sec. 7130, R. C. M. 1921.

References

Donich et al. v. Johnson et al., 77 M 229, 244, 250 P 963.

7129) Appropriations pending litigation subject to decrees 44-1-1

D-165-Beattie-Stark Co. Butte

Transcribed from Missoula County Records, Book "J" Water Rights, Page 148. Compared. C

35941

Compared

#5

NOTICE OF APPROPRIATION

State of Montana }
 County of Missoula } ss

TO ALL WHOM THESE PRESENTS MAY CONCERN, BE IT KNOWN
 that J. E. Bell, of Silver Bow County in said States, does hereby publish and declare as a
 legal notice to all the world, as follows, to-wit:

I. That he has a legal right to the use, possession and control of and claim
 all of the waters of Flathead River, or 2,000,000 miners' inches (50,000 cubic feet per second
 in said County and State for irrigation, generation of power, and other useful and beneficial
 purposes.

II. That the purpose for which said water is claimed and appropriated are to
 use, sell and dispose of the same for all useful and beneficial purposes, uses and the
 manufacturing, producing, storing, transmitting, conveying, selling and supplying electric
 energy for light, heat and power for use, distribution and application to industrial,
 municipal, domestic and any and all other purposes, public and private, to which the same
 can be applied, including railways, mines, smelters and mills, manufacturing plants, and
 telegraph and telephone lines in the State of Montana and elsewhere, whenever and wherever
 the said water or energy derived therefrom can be made applicable for any useful or beneficial
 purpose.

That the place of use and intended use of said water is in Sections 31 and 32
 Township 19 North, Range 21 West, of the Principal Meridian of Montana.

III. That the means of diversion of said water for the purposes aforesaid
 will be a dam, canals, flumes, and pipes capable of carrying all of the waters of FLATHEAD
 River as above stated, and with all the appurtenances, machinery, appliances, and works in
 connection therewith, or which may hereafter be constructed and used in connection therewith.

IV. That J. E. Bell appropriated and took said water on the 3rd day of April
 A. D. 1920.

V. That the name of the appropriator of said water is J. E. Bell, of Silver
 Bow County, State of Montana.

VI. That J. E. Bell also claims the right to keep in repair and enlarge
 said means of water appropriation at any time, and the right to exercise all lawful rights
 of use, ownership and disposition of said water right and appropriation.

VII. The name of the stream from which said appropriation and diversion is
 made is the Flathead River.

VIII. An accurate description of the point of diversion on said Flathead River
 is as follows:

Said point of diversion is located in S. W. quarter of Section 31, Township
 19 North, Range 21 West of the Montana Meridian, and a distance of 1275 feet in a S. 50°
 West, direction from the East $\frac{1}{4}$ corner of Section 31, Twp. 19 North, Range 21 West, M. P. M.

(A natural object or permanent monument).

Claiming the same all and singular, under any and all laws, National and State
 and all rulings and decisions thereunder, in the matter of water rights.

J. E. Bell
 Missing Acre
 3

Wrong
 claim for
 Kerr Dam

LAKE COUNTY, MONTANA

TOGETHER WITH ALL AND SINGULAR, the hereditaments and appurtenances thereto belonging, and appertaining, or to accrue to the same.

Witness his hand at Dixon, Montana, this 3rd day of April Nineteen Hundred and twenty (1920)

Signed J. E. Bell,

STATE OF MONTANA }
County of Missoula }

J. E. Bell, being first duly sworn, deposes and says that he is a citizen of the United States, a resident of the State of Montana, and over the age of twenty-one years; that he is the locator, appropriator, and claimant of the water and water rights claimed by the foregoing notice of appropriation, and that he has read said notice and knows the contents thereof, and that the matters and facts contained in said notice are true.

J. E. Bell,

Subscribed and sworn to before me this 5th day of April A. D. 1920.

(SEAL)

W. J. Robinson,
Clerk and Recorder in and for Missoula County,
State of Montana,
By R. J. Cyr, Deputy.

Filed for record on the 5th day of April, 1920, at 9:10 o'clock A. M.

W. J. Robinson, County Clerk,

By R. J. Cyr, Deputy Clerk.

Transcribed from Missoula County Records, Book "J" Water Rights, Page 150. Compared.

35942,

#4.

NOTICE OF APPROPRIATION

State of Montana }
County of Missoula }

TO ALL WHOM THESE PRESENTS MAY CONCERN, BE IT KNOWN
that J. E. Bell of Silver Bow County in said state, does hereby publish and declare, as a legal right to all the world, as follows, to-wit:

I. That he has a legal right to use, possession and control of and claim all of the waters of Flathead River, or 2,000,000 minims inches (50,000 cubic feet per second) in said County and State for irrigation, generation of power, and other useful and beneficial purposes.

II. That the purpose for which said water is claimed and appropriated are to use sell and dispose of the same for all useful and beneficial purposes, including irrigation and the supply of water for domestic, private and public uses, and the manufacturing, producing, storing, transmitting, conveying, selling and supplying electric energy for light, heat, and power for use, distribution and application to industrial, municipal, domestic and any and all other purposes, public and private, to which the same can be applied, including railways, mines, smelters, and mills, manufacturing plants, and telegraph and telephone lines in the State of Montana and elsewhere, whenever and wherever the said water or energy derived therefrom can be made applicable for any useful or beneficial purpose.

That the place of use and intended use of said water is in Section 11 Township 12, North, Range 22 West of the Principal Meridian, of Montana.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 94408-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: PPL MONTANA LLC
303 N BROADWAY SUITE 400
BILLINGS, MT 59101-1255

Priority Date: APRIL 3, 1920

Enforceable Priority Date: APRIL 3, 1920

Type of Historical Right: FILED

Purpose (use): POWER GENERATION

Purpose Clarification: HYDROELECTRIC

THIS RIGHT IS FOR DIRECT DIVERSION THROUGH THE POWER PLANT (NO STORAGE).

Maximum Flow Rate: 14,540.00 CFS

Maximum Volume: 614,200.00 AC-FT

THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

Source Name: FLATHEAD RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESW	12	22N	21W	LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

KERR DAM

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SWSW	12	22N	21W	LAKE

Geocodes/Valid: 15-3227-12-1-02-01-0000 - Y

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

94408-00 94409-00 94410-00 94411-00

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

THIS CLAIM IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

NOTICE OF WATER RIGHT OWNERSHIP UPDATE RECEIVED 12/22/99.

THE PRIORITY DATE MAY BE QUESTIONABLE. ACCORDING TO INFORMATION IN THE CLAIM FILE, CONSTRUCTION OF KERR DAM DID NOT BEGIN UNTIL 1931 AND WAS COMPLETED IN APRIL OF 1938. THE KERR HYDROELECTRIC DEVELOPMENT WAS PLACED INTO COMMERCIAL PRODUCTION IN MAY OF 1939.

THE CLAIMED VOLUME APPEARS TO BE INADEQUATE FOR THE CLAIMED PURPOSE.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 94409-00 STATEMENT OF CLAIM

Version: 1 - ORIGINAL RIGHT

Version Status: ACTIVE

Owners: PPL MONTANA LLC
303 N BROADWAY SUITE 400
BILLINGS, MT 59101-1255

Priority Date: APRIL 3, 1920

Enforceable Priority Date: APRIL 3, 1920

Type of Historical Right: FILED

Purpose (use): STORAGE

Purpose Clarification: FOR POWER GENERATION

THIS IS A STORAGE RIGHT FROM FLATHEAD LAKE USED FOR POWER
GENERATION AT KERR DAM AND AT THE THOMPSON FALLS DAM LOCATED IN
S 1/2 NE 1/4 OF SECTION 7, T21N, R29W.

Maximum Flow Rate: 614,700.00 CFS

Maximum Volume:

AMOUNT NECESSARY TO FILL STORAGE RESERVOIR AT ANY TIME

Source Name: FLATHEAD RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESW	12	22N	21W	LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

KERR DAM

Reservoir: ON STREAM Reservoir Name FLATHEAD LAKE

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SESW	12	22N	21W	LAKE

Diversion to Reservoir: DIVERSION # 1

Dam Height: 194.00 FEET

Surface Area: 124,800.00 ACRES

Current Capacity: 1,791,000.00 ACRE-FEET

RESERVOIR SPECIFICATIONS ARE FROM NRIS MT DAMS WEBSITE AND DO NOT
REFLECT USABLE STORAGE CAPACITIES.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SWSW	12	22N	21W	LAKE

Geocodes/Valid: 15-3227-12-1-02-01-0000 - Y

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME
RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF
THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE
(PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

94408-00 94409-00 94410-00 94411-00

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS
ONE.

THIS CLAIM IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD
INDIAN RESERVATION.

NOTICE OF WATER RIGHT OWNERSHIP UPDATE RECEIVED 12/22/99.

IT IS UNCLEAR IF A FLOW RATE IS NEEDED TO ADEQUATELY ADMINISTER THIS WATER RIGHT.

Remarks:

THE CLAIMED FLOW RATE MAY BE QUESTIONABLE. HISTORIC WATER USE SUMMARIES SUBMITTED WITH THIS CLAIM INDICATE THE CLAIMED FLOW RATE HAS NEVER BEEN ATTAINED AT KERR DAM.

THE PRIORITY DATE MAY BE QUESTIONABLE. ACCORDING TO INFORMATION IN THE CLAIM FILE, CONSTRUCTION OF KERR DAM DID NOT BEGIN UNTIL 1931 AND WAS COMPLETED IN APRIL OF 1938. THE KERR HYDROELECTRIC DEVELOPMENT WAS PLACED IN COMMERCIAL PRODUCTION IN MAY OF 1939.

THE VOLUME HAS NOT BEEN EXAMINED AS NO QUANTIFIED VOLUME WAS CLAIMED.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 94410-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: PPL MONTANA LLC
303 N BROADWAY SUITE 400
BILLINGS, MT 59101-1255

Priority Date: APRIL 3, 1920

Enforceable Priority Date: APRIL 3, 1920

Type of Historical Right: FILED

Purpose (use): MULTIPLE DOMESTIC

Purpose Clarification: KERR DAM OPERATORS QUARTERS

Maximum Flow Rate: 41.60 GPM

Maximum Volume: 37.00 AC-FT

Households: 5

Maximum Acres: 12.00

Source Name: FLATHEAD RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	3	NESWSW	12	22N	21W	LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PUMP

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	12.00		E2SESE	11	22N	21W	LAKE

Total: 12.00

Geocodes/Valid: 15-3227-11-1-01-01-0000 - Y

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

94408-00 94409-00 94410-00 94411-00

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

THIS CLAIM IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

NOTICE OF WATER RIGHT OWNERSHIP UPDATE RECEIVED 12/22/99.

THE CLAIMED FLOW RATE EXCEEDS THE 35 GPM GUIDELINE FOR THIS PURPOSE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA.

USDA AERIAL PHOTOGRAPH NO. 979-227, DATED 9/23/1979 APPEARS TO INDICATE 7.25 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

THE PRIORITY DATE MAY BE QUESTIONABLE. ACCORDING TO INFORMATION IN THE CLAIM FILE, CONSTRUCTION OF KERR DAM DID NOT BEGIN UNTIL 1931 AND WAS COMPLETED IN APRIL OF 1938. THE KERR HYDROELECTRIC DEVELOPMENT WAS PLACED IN COMMERCIAL PRODUCTION IN MAY OF 1939.

VOLUME MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

Name of Respondent THE MONTANA POWER COMPANY	This Report Is: (2) ☒ An Original (2) ☐ A Resubmission	Date of Report (Mo, Da, Yr)	Year of Report Dec. 31, 1997
HYDROELECTRIC GENERATING PLANT STATISTICS (Large Plants) (Continued)			
5. The items under Cost of Plant represent accounts or combinations of accounts prescribed by the Uniform System of Accounts. Production Expenses do not include Purchased Power, System Control and Load Dispatching, and Other Expenses classified as "Other Power Supply Expenses."		6. Report as a separate plant any plant equipped with combinations of steam, hydro, internal combustion engine, or gas turbine equipment.	
FERC Licensed Project No. 2188 Plant Name: Houser (d)	FERC Licensed Project No. 2188 Plant Name: Holter (e)	FERC Licensed Project No. 5 Plant Name: Kerr (f)	Line No.
Storage	Storage	Storage	1
Conventional	Conventional	Conventional	2
1907	1918	1938	3
1914	1918	1954	4
17.00	38.40	211.68	5
17	52	195	6
8,752	8,760	8,760	7
			8
* 17	* 50	* 188	9
* 10	* 19	* 41	10
4	4	4	11
139,592,000	375,539,000	1,285,459,250	12
			13
242,239	223,034	1,301,968	14
616,641	910,387	3,337,456	15
4,832,944	5,098,496	6,850,049	16
983,888	2,385,156	8,604,312	17
39,494	5,550	803,636	18
\$6,715,206	\$8,622,623	\$20,897,421	19
\$395.0121	\$224.5474	\$98.7217	20
			21
34,366	88,568	472,450	22
46,293	92,586	178,063	23
37,474	30,654	74,692	24
74,894	109,387	125,774	25
44,530	51,412	64,050	26
21,863	15,114	13,210,109	27
4,998	13,329	54,983	28
13,431	24,311	28,748	29
44,000	20,495	29,594	30
46,161	88,067	93,483	31
13,504	11,368	18,802	32
\$381,514	\$545,271	\$14,350,748	33
\$0.0027	\$0.0014	\$0.0111	34

US Attorneys <<http://www.justice.gov/usao/index.html>> > USAM
<../index.html> > Title 9 <[title9.htm](#)> > Criminal Resource Manual 965
prev <[crm00964.htm](#)> | next <[crm00966.htm](#)> | Criminal Resource Manual
<[crm00000.htm](#)>

965

Conspiracy to Violate the Mail Fraud or Wire Fraud Statutes

Where a scheme and artifice to defraud is shared by two or more, it becomes a conspiracy to defraud. The essential elements of conspiracy to commit mail fraud or wire fraud in violation of 18 U.S.C. § 371, are (1) an agreement between two or more persons; (2) to commit mail fraud or wire fraud; and (3) an overt act committed by one of the conspirators in furtherance of the conspiracy. /See/ /United States v. Brumley/, 79 F.3d 1430, 1442 (5th Cir. 1996) (citing /United States v. Hatch/, 926 F.2d 387, 393 (5th Cir.), /cert. denied/, 500 U.S. 943 (1991)); /United States v. Massey/, 827 F.2d 995, 1001 (5th Cir. 1987); /United States v. Gordon/, 780 F.2d 1165, 1170 (5th Cir. 1986)). "Conspiracy to commit a particular substantive offense cannot exist without at least the degree of criminal intent necessary for the substantive offense." /Massey/, 827 F.2d at 1001 (/quoting/ /Ingram v. United States/, 360 U.S. 672, 678 (1959)).

As in any conspiracy, it is sufficient that the defendant knowingly joined the conspiracy in which wire fraud or mail fraud was a foreseeable act in furtherance of the conspiracy. /United States v. Leahy/, 82 F.3d 624 (5th Cir. 1996) (citing /United States v. Basey/, 816 F.2d 980, 997 (5th Cir. 1987) (holding that once a defendant's knowing participation in a conspiracy has been established, "the defendant is deemed guilty of substantive acts committed in furtherance of the conspiracy by any of his criminal partners"))).

[cited in USAM 9-43.100 <[43mcrm.htm#9-43.100](#)>]



821 Second Avenue, Suite 2000
Seattle, Washington 98104-1519
(206) 623-9372 Phone
(206) 623-4986 Fax

VIA ELECTRONIC FILING

March 5, 2014

Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

water
Right
wrong

Re: Kerr Project No. 5; Notice of Conveyance Date

Dear Secretary Bose,

The Confederated Salish and Kootenai Tribes of the Flathead Reservation ("CSKT") hereby files the attached written notice establishing the date of conveyance of the Kerr Project to CSKT as September 5, 2015.

If you have questions, please do not hesitate to contact the undersigned at (206) 623-9372 or mal@vnf.com.

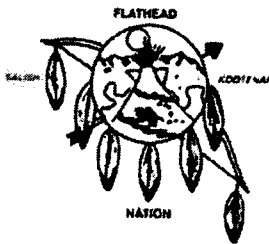
Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Love".

Matthew A. Love

*Counsel to the Confederated Salish and
Kootenai Tribes of the Flathead Reservation*

Attachment



A Confederation of the Salish,
Pend d' Oreilles
and Kootenai Tribes

**THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION**

P.O. BOX 278
Pablo, Montana 59855
(406) 275-2700
FAX (406) 275-2806
www.cskt.org



TRIBAL COUNCIL MEMBERS:

Ronald Trahan - Chairman
Carole Lankford - Vice Chair
James V. Matt - Secretary
Len Twoteeth - Treasurer
Vernon S. Finley
Shelly R. Fyart
Leonard W. Gray
Lloyd D. Irvine
Terry L. Pitts
Patty Stevens

March 5, 2014

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Hon. Sally Jewell, Secretary
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Flathead Irrigation District
c/o Jon Metropoulos
Metropoulos Law Firm, PLLC
50 South Last Chance Gulch, Suite 4
Helena, MT 59601

Mission Irrigation District
c/o W. John Tietz
Browning, Kaleczyc, Berry & Hoven, P.C.
800 North Last Chance Gulch, Suite 101
Helena, MT 59601-3357

Jocko Valley Irrigation District
c/o W. John Tietz
Browning, Kaleczyc, Berry & Hoven, P.C.
800 North Last Chance Gulch, Suite 101
Helena, MT 59601-3357

Robert C. Rowe, President & CEO
NorthWestern Energy
40 East Broadway Street
Butte, MT 59701-9394

David Kinnard, General Counsel
PPL Montana, L.L.C.
303 North Broadway, Suite 400
Billings, MT 59101

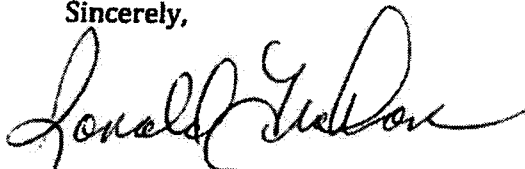
Dear Sir or Madam:

The Confederated Salish and Kootenai Tribes ("CSKT"), acting in its sole discretion, hereby gives formal notice to PPL Montana, L.L.C., the Secretary of the United States Department of the Interior, the Flathead, Mission, and Jocko Valley Irrigation Districts, and the Federal Energy Regulatory Commission ("FERC"), regarding the date for conveyance of

the Kerr Project, FERC Project No. 5, to CSKT¹. CSKT hereby designates September 5, 2015 ("Conveyance Date") as the date for the conveyance of the Kerr Project to CSKT. In addition to the practical effect of serving actual notice regarding the Conveyance Date, this letter is intended to serve to fulfill CSKT's legal requirements pursuant to Ordering Paragraph (C)(1) of the FERC License for the Kerr Project (Order Approving Settlement and Issuing License, 32 FERC ¶ 61,070, July 17, 1985; Order Amending License, 102 FERC ¶ 61,122, February 4, 2003) for providing written notice of the Conveyance Date to the addressees.

CSKT does not anticipate that it will provide any additional notice or take any other action regarding establishment of the Conveyance Date. If the FERC finds it necessary or appropriate for additional notice or any other action on the part of CSKT regarding establishment of the Conveyance Date, then CSKT requests that the FERC provide guidance to CSKT in that regard.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald Trahan", written in a cursive style.

Ronald Trahan
Chairman - Tribal Council

¹ In light of PPL Montana and NorthWestern Corporation d/b/a NorthWestern Energy's ("NorthWestern") Joint Application for Approval of Transfer of Licenses ("Transfer Application"), filed with the Commission on January 10, 2014, for the Kerr Project, CSKT also provides this notice to NorthWestern due to NorthWestern's potential status as a co-licensee for the Kerr Project.

CERTIFICATE OF SERVICE

Pursuant to Rule 2010 of the Commission's Rules of Practice and Procedure, I hereby certify that I have this day caused the foregoing document to be served upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, D.C., this 5th day of March, 2014.

/s/ Mealear Tauch

Mealear Tauch
Van Ness Feldman, LLP
1050 Thomas Jefferson Street, N.W.
Washington, D.C. 20007-3877

Montana Power Company

From Wikipedia, the free encyclopedia

The **Montana Power Company (MPC)** was an electric utility company based in Butte, Montana which provided electricity to Montana consumers and industry from 1912 to 1997.

History

The Montana Power Company was founded in 1912 by John Ryan, then president of Anaconda Copper Mining Company, as a consolidation of several hydroelectric plants in Montana.^[2]

In the 1960s there was a split, culminating in Anaconda Co. resisting an MPC rate hike. In 1959 MPC bought coal mining rights at Colstrip Montana, with plans to develop coal-fired electrical generation plants there.^[2]

After developing four plants, MPC sold its Colstrip power plants in the fall of 1997 to Pennsylvania Power and Light for \$759 million. The remaining power operations were sold to Northwestern Energy.^[2]

With the arrival of utilities deregulation in the 1990s, Montana Power restructured itself into a telecommunications company by 2001, **Touch America Holdings**, and began divesting its utility and energy holdings. The company built a 21,000-mile (34,000 km) fiber optics network and incurred heavy losses during the dot-com downturn in the early 2000s. Touch America filed for Chapter 11 bankruptcy protection in 2003, selling its facilities to 360networks with plans to sell off remaining assets to defend against shareholder lawsuits.^{[1][3][4]} Litigation over the company's assets continued until early 2013, when a settlement was reached offering shareholders 29 cents per share.^[5] The shares were once worth \$65.

References

- "Montana Power Restructures From Diversified Energy Company to Touch America Holdings, a Broadband Telecommunications Company." (http://www.accessmylibrary.com/coms2/summary_0286-25035826_ITM) (Press release). Montana Power Company. February 14, 2002.
- "Montana Power Co.: GENERATIONS OF POWER: History of Montana Power Co. (http://www.missoulain.com/specials/power/power3.html)", *The Missoulian* (2001)
- "COMPANY NEWS; TOUCH AMERICA FILES CHAPTER 11 BANKRUPTCY PAPERS" (http://query.nytimes.com/gst/fullpage.html?res=9F01EEDF173BF932A15755C0A9659C8B63). *The New York Times*. June 21, 2003. Retrieved 2008-11-03.
- Steve Kroft (August 10, 2003). "Who Killed Montana Power?" (http://www.cbsnews.com/stories/2003/02/06/60minutes/main539719.shtml). *60 Minutes*. Retrieved 2008-11-03.
- "Montana Power Co. investors to receive 29 cents per share" (http://missoulain.com/news/state-and-regional/montana-power-co-investors-to-receive-cents-per-share/article_8b442892-

Montana Power Company

Former type	Public (NYSE: MTP later TAA)
Industry	Electric utility
Fate	Bankrupt
Founded	1912
Founder	John Ryan
Defunct	2003
Headquarters	Butte, Montana, U.S.
Area served	Montana

Montana Power

a50f-11e2-b55f-0019bb2963f4.html).

External links

- Missoulian Special Section: Montana Power Co. Generations of Power (<http://www.missoulian.com/specials/power/index.html>)
- "A High Tech Company You Never Heard Of (<http://www.fool.com/news/1999/foth990929.htm>)", column by Bill Mann, *The Motley Fool* (September 29, 1999)
- "How Big Sky Went Dark (<http://www.nytimes.com/2008/04/06/opinion/06mcnamer.html>)", op-ed by Deirdre McNamer, *The New York Times* (April 6, 2008).
- Montana Power Company Papers (<http://nwda-db.wsulibs.wsu.edu/findaid/ark:/80444/xv57801>) (University of Montana Archives)

Retrieved from "http://en.wikipedia.org/w/index.php?title=Montana_Power_Company&oldid=646460573"

Categories: Defunct companies based in Montana | Companies established in 1912

| Companies that filed for Chapter 11 bankruptcy in 2003

| Defunct telecommunications companies of the United States | Power companies of the United States

| Companies disestablished in 2003 | Companies based in Montana

| Hydroelectric power companies of the United States | Butte, Montana | 1912 establishments in Montana

| 2003 disestablishments in Montana

-
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ORIGINAL



OFFICE OF THE CORPORATION: 40 EAST BROADWAY, BUTTE, MONTANA 59701

April 28, 1998

JERROLD P. PEDERSON
VICE PRESIDENT,
CHIEF FINANCIAL
AND
INFORMATION OFFICER

Office of the Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Room 1A-21
Washington, D.C. 20426

Elec. Cor.

FILED
OFFICE OF THE SECRETARY
98 APR 29 PM 12:03
FEDERAL ENERGY
REGULATORY COMMISSION

Gentlemen:

Enclosed are the electronic media filing consisting of two duplicate data diskettes and the original and six (6) conformed copies of The Montana Power Company's Annual Report to the Federal Energy Regulatory Commission on Form No. 1, for the year 1997.

I hereby attest that the paper copies of this report contain the same information that is included in the electronic media filing. I know the contents of the filing and the contents, as stated, are true to the best of my knowledge and belief.

In accordance with instructions for filing Form No. 1 General Information III (c) and Order Number 356 of the Commission, the Opinion of independent certified public accountants is included in this report prior to page number i.

The following edit failure occurred:

"line 37, column c of page 118 does not agree with line 51, column b plus line 52, column b of page 119." The amount included on line 52, column b of page 119 does not represent a transfer from account 216.1 and therefore should not be summed with line 51, column b page 119.

Very truly yours,

JPP/tmc
enclosures -
as stated
JPP/3

9804300309-1

TELEPHONE (408) 497-2188 • FACSIMILE (408) 497-2150
e-mail: jerry@mtpower.com

disk 5 / oclA

D

ORIGINAL

THIS FILING IS (CHECK ONE BOX FOR EACH ITEM)	
Item 1: ☒ An Initial (Original) Submission	OR ☐ Resubmission No. ____
Item 2: ☒ An Original Signed Form	OR ☐ Conformed Copy

Form Approved
OMB No. 1902-0021
(Expires 7/31/98)



**FERC Form No. 1:
ANNUAL REPORT OF MAJOR ELECTRIC
UTILITIES, LICENSEES AND OTHERS**

FILED
OFFICE OF THE SECRETARY
98 APR 29 PM 12:02
FEDERAL ENERGY
REGULATORY COMMISSION

This report is mandatory under the Federal Power Act, Sections 3 4(e), 304 and 308, and 18 CFR141.1. Failure to report may result in criminal fines, civil penalties and other sanctions as provided by law. The Federal Energy Regulatory Commission does not consider this report to be of a confidential nature.

Exact Legal Name of Respondent (Company) THE MONTANA POWER COMPANY	Year of Report Dec 31, 1997
--	---------------------------------------

THIS FILING IS (CHECK ONE BOX FOR EACH ITEM)	
Item 1: ☒ An Initial (Original) Submission	OR ☐ Resubmission No. _____
Item 2: ☒ An Original Signed Form	OR ☐ Conformed Copy

Form Approved
OMB No. 1902-0021
(Expires 7/31/98)



**FERC Form No. 1:
ANNUAL REPORT OF MAJOR ELECTRIC
UTILITIES, LICENSEES AND OTHERS**

This report is mandatory under the Federal Power Act, Sections 3, 4(e), 304 and 308, and 18 CFR141.1. Failure to report may result in criminal fines, civil penalties and other sanctions as provided by law. The Federal Energy Regulatory Commission does not consider this report to be of a confidential nature.

Exact Legal Name of Respondent (Company) THE MONTANA POWER COMPANY	Year of Report Dec 31, 1997
--	---------------------------------------

121 S.W. Morrison Street
Suite 1800
Portland, Oregon 97204

Telephone 503 224 9040
Facsimile 503 223 9081

Price Waterhouse LLP



Report of Independent Accountants

February 5, 1998

To the Board of Directors
and Shareholders of
The Montana Power Company

FILED
OFFICE OF THE SECRETARY
98 APR 29 PM 12:02
FEDERAL ENERGY
REGULATORY COMMISSION

We have audited the comparative balance sheet of The Montana Power Company as of December 31, 1997 and 1996, the related statement of income for the years then ended, and the statements of retained earnings and cash flows for the year ended December 31, 1997, included on pages 110 through 123 of the accompanying Federal Energy Regulatory Commission Form 1. These financial statements are the responsibility of the company's management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with generally accepted auditing standards. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

As discussed in Note 1, these financial statements were prepared in accordance with the accounting requirements of the Federal Energy Regulatory Commission as set forth in its applicable Uniform System of Accounts and published accounting releases, which is a comprehensive basis of accounting other than generally accepted accounting principles.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of The Montana Power Company as of December 31, 1997 and 1996, the results of its operations for the years then ended, and its cash flows for the year ended December 31, 1997, in accordance with the accounting requirements of the Federal Energy Regulatory Commission as set forth in its applicable Uniform System of Accounts and published accounting releases.

This report is intended solely for the information and use of the Board of Directors and management of The Montana Power Company and for filing with the Federal Energy Regulatory Commission and should not be used for any other purpose.

Price Waterhouse LLP

Name of Respondent THE MONTANA POWER COMPANY		This Report Is: (1) ☒ An Original (2) ☐ A Resubmission	Date of Report (Mo, Da, Yr)	Year of Report Dec. 31, 1997
OFFICERS				
1. Report below the name, title and salary for each executive officer whose salary is \$50,000 or more. An "executive officer" of a respondent includes its president, secretary, treasurer, and vice president in charge of a principal business unit, division or function (such as sales, administration or finance), and any other person who performs similar policymaking functions. 2. If a change was made during the year in the incumbent of any position, show name and total remuneration of the previous incumbent, and the date the change in incumbency was made.				
Line No.	Title (a)	Name of Officer (b)	Salary for Year (c)	
1	THE MONTANA POWER COMPANY OFFICERS:			
2				
3	Chairman of the Board (retired 12/31/97) and	D. T. Berube	346,500	
4	Chief Executive Officer (retired 6/30/97)			
5				
6	Chairman of the Board (elected 1/1/98) and	R. P. Gannon	297,500	
7	Chief Executive Officer (elected 7/1/97)			
8	Previously Served as Vice Chairman of the Board			
9	and President			
10				
11	Vice President and Chief Financial and Information	J. P. Pederson	179,500	
12	Officer			
13				
14	Vice President and General Counsel	M. E. Zimmerman	159,800	
15				
16	Vice President, Human Resources and Secretary	P. K. Merrell	134,050	
17				
18	Treasurer	E. M. Senchal	125,150	
19				
20	Controller	D. S. Smith	112,000	
21				
22	Vice President, Marketing (elected 5/27/97)	W. S. Dee	103,846	
23				
24				
25	ENERGY AND COMMUNICATIONS SERVICES DIVISION EXECUTIVE			
26	OFFICER:			
27				
28	Executive Vice President and Chief Operating Officer	J. D. Haffey	183,500	
29				
30				
31	ENERGY SUPPLY DIVISION EXECUTIVE OFFICERS:			
32				
33	Executive Vice President and Chief Operating Officer	R. F. Cromer	187,800	
34				
35	Executive Vice President, Utility Energy Supply	A. K. Neill	179,500	
36				
37				
38				
39				
40				
41				
42				
43				
44				

Name of Respondent THE MONTANA POWER COMPANY		This Report Is: (1) ☒ An Original (2) ☐ A Resubmission	Date of Report (Mo, Da, Yr)	Year of Report Dec. 31, 1997
DIRECTORS				
1. Report below the information called for concerning each director of the respondent who held office at any time during the year. Include in column (a), abbreviated titles of the directors who are officers of the respondent.		2. Designate members of the Executive Committee by a triple asterisk and the Chairman of the Executive Committee by a double asterisk.		
Line No.	Name (and Title) of Director (a)	Principal Business Address (b)		
1	Tucker H. Adams	U.S. Bank Corp.		
2		950 17th Street, Denver, CO 80202		
3				
4	Daniel T. Berube **, COB (Retired 12/31/97)	Montana Power Company		
5	CEO (Retired 6/30/97)	40 E. Broadway, Butte, MT 59701		
6				
7	Alan F. Cain ***	Blue Cross & Blue Shield of Montana		
8		506 N. Park Ave., Helena, MT 59601		
9				
10	John G. Connors (Elected 1/1/98)	Microsoft Corp.		
11		One Microsoft Way, Redmond, WA 98052		
12				
13	R. D. Corette	Corette, Pohlman & Kebe Law Firm		
14		P.O. Box 509, Butte, MT 59703		
15				
16	Key Foster	Planteriors Unlimited		
17		P.O. Box 628, Billings, MT 59103		
18				
19	Robert P. Gannon **, COB (Elected 1/1/98)	Montana Power Company		
20	CEO (Elected 7/1/97)	40 E. Broadway, Butte, MT 59701		
21				
22	Beverly D. Harris ***	Empire Federal Savings & Loan Assn.		
23		P.O. Box 1099, Livingston, MT 59047		
24				
25	Chase T. Hibbard	Sieben Livestock		
26		P.O. Box 835, Helena, MT 59624		
27				
28	John R. Jester	1401 5th Ave. W. #412		
29		Seattle, WA 98119		
30				
31	Dan P. Lambros *** (Retired 12/31/97)	Lambros Realty		
32		1001 South Higgins Ave., Missoula, MT 59801		
33				
34	Carl Lehrkind III ***	Lehrkind's, Inc.		
35		P.O. Box 399, Bozeman, MT 59715		
36				
37	James P. Lucas (Retired 5/14/97)	Law Firm of Lucas & Monaghan, P.C.		
38		P.O. Box 728, Miles City, MT 59301		
39				
40	Arthur K. Neill, EVP, Utility Energy Supply	Montana Power Company		
41		40 E. Broadway, Butte, MT 59701		
42				
43	Jerrold P. Pederson **, VP, CFO & CIO	Montana Power Company		
44		40 E. Broadway, Butte, MT 59701		
45				
46	N.E. Vosburg	Pacific Steel & Recycling		
47		P.O. Box 1549, Great Falls, MT 59403		
48				

Name of Respondent THE MONTANA POWER COMPANY		This Report Is: (1) ☐ An Original (2) ☒ A Resubmission	Date of Report (Mo, Da, Yr)	Year of Report Dec. 31, 1997
SUMMARY OF UTILITY PLANT AND ACCUMULATED PROVISIONS FOR DEPRECIATION, AMORTIZATION AND DEPLETION				
Line No.	Item (a)	Total (b)	Electric (c)	
1	UTILITY PLANT			
2	In Service			
3	Plant in Service (Classified)	\$2,194,272,948	\$1,798,159,352	
4	Property Under Capital Leases	3,133,858		
5	Plant Purchased or Sold			
6	Completed Construction not Classified			
7	Experimental Plant Unclassified			
8	TOTAL (Enter Total of lines 3 thru 7)	\$2,197,406,806	\$1,798,159,352	
9	Leased to Others			
10	Held for Future Use	4,302,538	4,255,721	
11	Construction Work in Progress	39,494,763	38,460,482	
12	Acquisition Adjustments	3,106,285	3,106,285	
13	TOTAL Utility Plant (Enter total of lines 8 thru 12)	\$2,244,310,392	\$1,843,981,840	
14	Accum. Prov. for Depr., Amort., & Depl.	706,009,105	579,401,474	
15	Net Utility Plant (Enter Total of line 13 less 14)	\$1,538,301,287	\$1,264,580,366	
16	DETAIL OF ACCUMULATED PROVISIONS FOR DEPRECIATION, AMORTIZATION AND DEPLETION			
17	In Service:			
18	Depreciation	691,228,374	571,638,149	
19	Amort. and Depl. of Producing Natural Gas Land and Land Rights	70,349		
20	Amort. of Underground Storage Land and Land Rights	0		
21	Amort. of Other Utility Plant	12,714,841	5,796,012	
22	TOTAL In Service (Enter Total of lines 18 thru 21)	\$704,013,564	\$577,434,161	
23	Leased to Others			
24	Depreciation			
25	Amortization and Depletion			
26	TOTAL Leased to Others (Enter Total of lines 24 and 25)	0		
27	Held for Future Use			
28	Depreciation			
29	Amortization			
30	TOTAL Held for Future Use (Enter Total of lines 28 and 29)	0		
31	Abandonment of Leases (Natural Gas)	28,228		
32	Amort. of Plant Acquisition Adj.	1,967,313	1,967,313	
33	TOTAL Accumulated Provisions (Should agree with line 14 above) (Enter Total of lines 22, 26, 30, 31 and 32)	\$706,009,105	\$579,401,474	

Name of Respondent THE MONTANA POWER COMPANY		This Report Is: (1) ☐ An Original (2) ☒ A Resubmission		Date of Report (Mo, Da, Yr)	Year of Report Dec. 31, 1997
SUMMARY OF UTILITY PLANT AND ACCUMULATED PROVISIONS FOR DEPRECIATION, AMORTIZATION AND DEPLETION					
Gas (d)	Other(Specify) Propane (e)	Other(Specify) (f)	Other(Specify) (g)	Common (h)	Line No.
					1
\$324,523,956	\$1,308,585			\$70,281,055	2
				3,133,858	3
					4
					5
					6
\$324,523,956	\$1,308,585			\$73,414,913	7
					8
46,817					9
777,897					10
				256,384	11
\$325,348,670	\$1,308,585	0	0	\$73,671,297	12
104,072,252	51,807			22,483,572	13
\$221,276,418	\$1,256,778	0	0	\$51,187,725	14
					15
					16
101,771,879	51,807			17,766,539	17
70,349					18
					19
2,201,796				4,717,033	20
\$104,044,024	\$51,807	0	0	\$22,483,572	21
					22
					23
					24
					25
					26
					27
					28
					29
28,228					30
					31
\$104,072,252	\$51,807	0	0	\$22,483,572	32
					33

Name of Respondent THE MONTANA POWER COMPANY		This Report Is: (1) ☐ An Original (2) ☒ A Resubmission	Date of Report (Mo, Da, Yr) Dec. 31, 1997
ELECTRIC PLANT IN SERVICE (Accounts 101, 102, 103, and 106)			
1. Report below the original cost of electric plant in service according to the prescribed accounts. 2. In addition to Account 101, Electric Plant in Service (Classified), this page and the next include Account 102, Electric Plant Purchased or Sold; Account 103, Experimental Electric Plant Unclassified; and Account 106, Completed Construction Not Classified-Electric. 3. Include in column (c) or (d), as appropriate, corrections of additions and retirements for the current or preceding year. 4. Enclose in parentheses credit adjustments of plant accounts to indicate the negative effect of such accounts. 5. Classify Account 106 according to prescribed ac-		counts, on an estimated basis if necessary, and include the entries in column (c). Also to be included in column (c) are entries for reversals of tentative distributions of prior year reported in column (b). Likewise, if the respondent has a significant amount of plant retirements which have not been classified to primary accounts at the end of the year, include in column (d) a tentative distribution of such retirements, on an estimated basis, with appropriate contra entry to the account for accumulated depreciation provision. Include also in column (d) reversals of tentative distributions of prior year of unclassified retirements. Show in a footnote the account distributions of these tentative classifications in columns (c) and (d), including the	
Line No.	Account (a)	Balance at Beginning of Year (b)	Addition (c)
1	1. INTANGIBLE PLANT		
2	(301) Organization	\$19,995	
3	(302) Franchises and Consents	2,004	
4	(303) Miscellaneous Intangible Plant	5,885,674	61,863,068
5	TOTAL Intangible Plant (Enter Total of lines 2, 3, and 4)	\$5,907,673	\$61,863,068
6	2. PRODUCTION PLANT		
7	A. Steam Production Plant		
8	(310) Land and Land Rights	2,992,731	997
9	(311) Structures and Improvements	137,031,224	457,205
10	(312) Boiler Plant Equipment	280,503,476	6,433,791
11	(313) Engines and Engine-Driven Generators		
12	(314) Turbogenerator Units	80,695,157	592,786
13	(315) Accessory Electric Equipment	30,100,378	3,975,201
14	(316) Misc. Power Plant Equipment	12,338,291	307,086
15	TOTAL Steam Production Plant (Enter Total of lines 8 thru 14)	\$543,661,257	\$11,767,066
16	B. Nuclear Production Plant		
17	(320) Land and Land Rights		
18	(321) Structures and Improvements		
19	(322) Reactor Plant Equipment		
20	(323) Turbo generator Units		
21	(324) Accessory Electric Equipment		
22	(325) Misc. Power Plant Equipment		
23	TOTAL Nuclear Production Plant (Enter Total of lines 17 thru 22)		
24	C. Hydraulic Production Plant		
25	(330) Land and Land Rights	6,150,475	83
26	(331) Structures and Improvements	40,768,032	113,971
27	(332) Reservoirs, Dams, and Waterways	87,011,609	1,277,347
28	(333) Water Wheels, Turbines, and Generators	43,190,189	455,219
29	(334) Accessory Electric Equipment	11,124,268	1,508,663
30	(335) Misc. Power Plant Equipment	2,665,408	107,879
31	(336) Roads, Railroads, and Bridges	3,013,128	156,750
32	TOTAL Hydraulic Production Plant (Enter Total of lines 25 thru 31)	\$193,923,109	\$3,619,912
33	D. Other Production Plant		
34	(340) Land and Land Rights		
35	(341) Structures and Improvements	11,515	4,452
36	(342) Fuel Holders, Products, and Accessories	112,084	
37	(343) Prime Movers		
38	(344) Generators	2,255,292	
39	(345) Accessory Electric Equipment	93,887	3,761

Name of Respondent THE MONTANA POWER COMPANY		This Report Is: (2) ☒ An Original (3) ☐ A Resubmission		Date of Report (Mo, Da, Yr) Dec. 31, 1997	Year of Report Dec. 31, 1997
ELECTRIC PLANT IN SERVICE (Accounts 101,102,103, and 106)(Continued)					
reversals of the prior years tentative account distributions of these amounts. Careful observance of the above instructions and the texts of Accounts 101 and 106 will avoid serious omissions of the reported amount of respondent's plant actually in service at end of year. 6. Show in column (f) reclassifications or transfers within utility plant accounts. Include also in column(f) the additions or reductions of primary account classifications arising from distribution of amounts initially recorded in Account 102. In showing the clearance of Account 102, include in column (e) the amounts with respect to accumulated provision for depreciation, acquisition adjustments, etc., and show in column (f) only the offset to the debits or credits distributed in column (f) to primary account classifications. 7. For Account 399, state the nature and use of plant included in this account and if substantial in amount submit a supplementary statement showing subaccount classification of such plant conforming to the requirements of these pages. 8. For each amount comprising the reported balance and changes in Account 102, state the property purchased or sold, name of vendor or purchaser, and date of transaction. If proposed journal entries have been filed with the Commission as required by the Uniform System of Accounts, give also date of such filing.					
Retirements (d)	Adjustments (e)	Transfers (f)	Balance at End of Year (g)		Line No.
			\$19,995	(301)	1
			2,004	(302)	2
30,416			67,718,326	(303)	3
830,416			867,740,325		4
					5
					6
307			2,993,421	(310)	7
41,964			137,446,465	(311)	8
3,909			286,933,358	(312)	9
				(313)	10
(152,777)			81,440,720	(314)	11
168,429			33,907,150	(315)	12
9			12,645,368	(316)	13
861,841			\$555,366,482		14
					15
				(320)	16
				(321)	17
				(322)	18
				(323)	19
				(324)	20
				(325)	21
			0		22
					23
37,542			6,113,016	(330)	24
44,514			40,837,489	(331)	25
263,599			88,025,357	(332)	26
43,277			43,602,131	(333)	27
53,208			12,579,723	(334)	28
10,923			2,762,364	(335)	29
773			3,169,105	(336)	30
8453,836			\$197,089,185		31
					32
				(340)	33
			15,967	(341)	34
			112,084	(342)	35
				(343)	36
			2,255,292	(344)	37
			97,628	(345)	38
					39

Name of Respondent THE MONTANA POWER COMPANY		This Report Is: (1) ☐ An Original (2) ☒ A Resubmission	Date of Report (Mo, Da, Yr)	Year of Report Dec. 31, 1997
ELECTRIC PLANT IN SERVICE (Accounts 101, 102, 103, and 106) (Continued)				
Line No.	Account (a)	Balance at Beginning of Year (b)	Additions (c)	
40	(346) Misc. Power Plant Equipment	\$2,355		
41	TOTAL Other Prod. Plant (Enter Total of lines 34 thru 40)	\$2,475,133	\$8,193	
42	TOTAL Prod. Plant (Enter Total of lines 15, 23, 32, and 41)	\$740,059,499	\$15,395,171	
43	3. TRANSMISSION PLANT			
44	(350) Land and Land Rights	14,699,476	543,515	
45	(352) Structures and Improvements	3,657,093	102,759	
46	(353) Station Equipment	130,452,394	4,086,168	
47	(354) Towers and Fixtures	27,712,558	54,126	
48	(355) Poles and Fixtures	100,123,862	5,362,934	
49	(356) Overhead Conductors and Devices	103,544,527	1,668,245	
50	(357) Underground Conduit	80,806	12,671	
51	(358) Underground Conductors and Devices	542,700	5,992	
52	(359) Roads and Trails	1,915,721	206,215	
53	TOTAL Transmission Plant (Enter Total of lines 44 thru 52)	\$382,729,137	\$12,062,625	
54	4. DISTRIBUTION PLANT			
55	(360) Land and Land Rights	3,234,015	12,252	
56	(361) Structures and Improvements	3,216,148	194,657	
57	(362) Station Equipment	73,862,595	5,172,792	
58	(363) Storage Battery Equipment			
59	(364) Poles, Towers, and Fixtures	87,642,513	4,990,381	
60	(365) Overhead Conductors and Devices	55,218,512	3,232,300	
61	(366) Underground Conduit	13,962,074	1,473,728	
62	(367) Underground Conductors and Devices	47,029,593	5,703,304	
63	(368) Line Transformers	103,137,483	4,916,475	
64	(369) Services	46,671,175	4,366,941	
65	(370) Meters	23,129,562	1,736,399	
66	(371) Installations on Customer Premises			
67	(372) Leased Property on Customer Premises			
68	(373) Street Lighting and Signal Systems	30,833,160	1,980,307	
69	TOTAL Distribution Plant (Enter Total of lines 55 thru 68)	\$487,936,830	\$33,779,536	
70	5. GENERAL PLANT			
71	(389) Land and Land Rights	550,180		
72	(390) Structures and Improvements	7,020,077	162,529	
73	(391) Office Furniture and Equipment	1,332,791	70,471	
74	(392) Transportation Equipment	20,723,760	2,119,299	
75	(393) Stores Equipment	484,536	35,400	
76	(394) Tools, Shop and Garage Equipment	4,690,098	110,851	
77	(395) Laboratory Equipment	4,984,554	181,860	
78	(396) Power Operated Equipment	2,150,207	90,496	
79	(397) Communication Equipment	16,220,087	1,502,842	
80	(398) Miscellaneous Equipment	204,572		
81	SUBTOTAL (Enter Total of lines 71 thru 80)	\$58,360,862	\$4,273,748	
82	(399) Other Tangible Property	797,722	1,218	
83	TOTAL General Plant (Enter Total of lines 81 and 82)	\$59,158,584	\$4,274,966	
84	TOTAL (Accounts 101 and 106) (lines 5, 15, 23, 32, 41, 53, 69, 83)	\$1,675,791,723	\$127,375,366	
85	(102) Electric Plant Purchased (See Instr. 8)			
86	(Less) (102) Electric Plant Sold (See Instr. 8)			
87	(103) Experimental Plant Unclassified			
88	TOTAL Electric Plant in Service (Enter Total of lines 84 thru 87)	\$1,675,791,723	\$127,375,366	

Name of Respondent THE MONTANA POWER COMPANY		This Report Is: (1) ☒ An Original (2) ☐ A Resubmission		Date of Report (Mo, Da, Yr)		Year of Report Dec. 31, 1997	
ELECTRIC PLANT IN SERVICE (Accounts 101,102,103, and 106)(Continued)							
Retirements (d)	Adjustments (e)	Transfers (f)	Balance at End of year (g)			Line No.	
0	0	0	\$2,355	(346)		40	
\$515,677	0	0	\$2,483,326			41	
		0	\$754,938,993			42	
						43	
			15,242,991	(350)		44	
140,560			3,759,852	(352)		45	
			134,398,002	(353)		46	
181,540			27,766,684	(354)		47	
78,000			105,325,256	(355)		48	
			105,134,772	(356)		49	
			93,477	(357)		50	
			548,692	(358)		51	
\$400,100			2,121,936	(359)		52	
			\$394,391,662			53	
20,855						54	
27,072			3,225,412	(360)		55	
536,799			3,383,733	(361)		56	
		(13,049)	78,485,539	(362)		57	
56,394				(363)		58	
57,707			92,576,500	(364)		59	
2,235			58,393,105	(365)		60	
54,334			15,433,567	(366)		61	
530,963			52,678,563	(367)		62	
10,713		13,049	107,536,044	(368)		63	
98,261			51,027,403	(369)		64	
			24,767,700	(370)		65	
				(371)		66	
107,558				(372)		67	
\$1,502,891			32,705,909	(373)		68	
		0	\$520,213,475			69	
75,989						70	
32,931			474,191	(389)		71	
351,630			7,149,675	(390)		72	
619,152			1,051,632	(391)		73	
135,584		(420)	22,223,487	(392)		74	
712,712			384,352	(393)		75	
560,223			4,088,237	(394)		76	
			4,606,191	(395)		77	
34,315			2,240,703	(396)		78	
35,697			17,688,614	(397)		79	
\$2,558,233			168,875	(398)		80	
		(8420)	\$60,075,957			81	
\$2,558,233	0	(8420)	798,940	(399)		82	
\$5,007,317	0	(8420)	\$60,874,897			83	
		(8420)	\$1,798,159,352			84	
			0	(102)		85	
			0			86	
\$5,007,317	0	(8420)	0	(103)		87	
			\$1,798,159,352			88	

Name of Respondent THE MONTANA POWER COMPANY		This Report Is: (1) ☒ An Original (2) ☐ A Resubmission		Date of Report (Mo, Da, Yr) Dec. 31, 1997	Year of Report Dec. 31, 1997
ELECTRIC PLANT HELD FOR FUTURE USE (Account 105)					
1. Report separately each property held for future use at end of the year having an original cost of \$250,000 or more. Group other items of property held for future use. 2. For property having an original cost of \$ 250,000 or more previously used in utility operations, now held for future use, give in column (a), in addition to other required information, the date that utility use of such property was discontinued, and the date the original cost was transferred to Account 105.					
Line No.	Description and Location of Property (a)	Date Originally Included in This Account (b)	Date Expected to be Used in Utility Service (c)	Balance at End of Year (d)	
1	Land and Rights:				
2	Parcels of land located at Salem, MT	12/31/1989		\$4,255,721	
3					
4					
5					
6					
7					
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21	Other Property:				
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46					
47	TOTAL			\$4,255,721	

Name of Respondent THE MONTANA POWER COMPANY		This Report is: (1) ☒ An Original (2) ☐ A Resubmission		Date of Report (Mo, Da, Yr)		Year of Report Dec. 31, 1997	
PURCHASED POWER (Account 555) (Including power exchanges)							
1. Report all power purchases made during the year. (so report exchanges of electricity (i.e. transactions involving a balancing of debits and credits for energy, capacity, etc.) and any settlements for imbalanced exchanges. 2. Enter the name of the seller or other party in an exchange transaction in column (a). Do not abbreviate or truncate the name or use acronyms. Explain in a footnote any ownership interest or affiliation the respondent has with the seller. 3. In column(b), enter a Statistical Classification Code based on the original contractual terms and conditions of the service as follows: RD - for requirements service. Requirements service is service which the supplier plans to provide on an ongoing basis(i.e., the supplier includes projected load for this service in its system resource planning). In addition, the reliability of requirement service must be the same as, or second only to, the supplier's service to its own ultimate consumers. LF - for long-term firm service. "Long-term" means five years or longer and "firm" means that service cannot be interrupted for economic reasons and is intended to remain reliable even under adverse conditions (e.g., the supplier must attempt to buy emergency energy from third parties to maintain deliveries of LF service). This category should not be used for long-term firm service which meets the definition of RD service. For all transactions identified as LF, provide in a footnote the termination date of the contract defined as the earliest date that either buyer or seller can unilaterally get out of the contract. IF - for intermediate-term firm service. The same as LF service expect that "intermediate-term" means longer than one year but less than five years. SF - for short-term service. Use this category for all firm services, where the duration of each period of commitment for service is one year or less. LU - for long-term service from a designated generating unit. "Long-term" means five years or longer. The availability and reliability of service, aside from transmission constraints, must match the availability and reliability of the designated unit. IU - for intermediate-term service from a designated generating unit. The same as LU service expect that "intermediate-term" means longer than one year but less than five years. EX - For exchanges of electricity. Use this category for transactions involving a balancing of debits and credits for energy, capacity, etc. and any settlements for imbalanced exchanges.							
Line No.	Name of Company or Public Authority (Footnote Affiliations) (a)	Statistical Classification (b)	FERC Rate Schedule or Tariff Number (c)	Average Monthly Billing Demand (d)	Actual Demand(MW)		
					Average Monthly MCP Demand (e)	Average Monthly CP Demand (f)	
1	SMALL POWER PRODUCERS (con't):						
2	Phillipsburg Water	LU *	NA	0.132	* NA	0.132	
3	Ross Creek Hydro	LU *	NA	0.315	0.315	* NA	
4	State of Montana - DNRC	LU *	NA	8.647	8.647	* NA	
5	Wisconsin Creek, LTD.	LU *	NA	0.181	0.181	* NA	
6							
7							
8	NON-ASSOCIATED UTILITIES:						
9	Idaho Power Company	* OS *	NA	NA	NA	NA	
10	Eugene Water & Electric Board	* OS *	NA	NA	NA	NA	
11	* Pacificorp	* OS *	NA	NA	NA	NA	
12	* Puget Sound Energy	* OS *	NA	NA	NA	NA	
13	Tillamook PUD	* OS *	NA	NA	NA	NA	
14	* Washington Water Power	* OS *	NA	NA	NA	NA	

Name of Respondent THE MONTANA POWER COMPANY	This Report is: (1) ☒ An Original (2) ☐ A Resubmission	Date of Report (Mo, Da, Yr) Dec. 31, 1997	Year of Report Dec. 31, 1997		
DEPRECIATION AND AMORTIZATION OF ELECTRIC PLANT (Accounts 403, 404, 405) (Except amortization of acquisition adjustments)					
1. Report in Section A for the year the amounts for: (a) Depreciation Expense (Account 403); (b) Amortization of Limited-Term Electric Plant (Account 404); and (c) Amortization of Other Electric Plant (Account 405). 2. Report in section B the rates used to compute amortization charges for electric plant (Accounts 404 and 405). State the basis used to compute charges and whether any changes have been made in the basis or rates used from the preceding report year. 3. Report all available information called for in section C every fifth year beginning with report year 1971, reporting annually only changes to columns (c) through (g) from the complete report of the preceding year. Unless composite depreciation accounting for total depreciable plant is followed, list numerically in column (a) each plant subaccount, account or functional classification, as appropriate, to which a rate is applied. Identify at the bottom of section C the type of plant included in any subaccounts used. In column (b) report all depreciable plant balances to which rates are applied showing subtotals by functional		classifications and showing a composite total. Indicate at the bottom of section C the manner in which column balances are obtained. If average balances, state the method of averaging used. For columns (c), (d), and (e) report available information for each plant subaccount, account or functional classification listed in column (a). If plant mortality studies are prepared to assist in estimating average service lives, show in column (f) the type mortality curve selected as most appropriate for the account and in column (g), if available, the weighted average average remaining life of surviving plant. If composite depreciation accounting is used, report available information called for in columns (b) through (g) on this basis. 4. If provisions for depreciation were made during the year in addition to depreciation provided by application of reported rates, state at the bottom of section C the amounts and nature of the provisions and the plant items to which related.			
A. Summary of Depreciation and Amortization Charges					
Line No.	Functional Classification (a)	Depreciation Expense (Account 403) (b)	Amortization of Limited-Term Electric Plant (Acc 404) (c)	Amortization of Other Electric Plant (Acc 405) (d)	Total (e)
1	Intangible Plant		\$1,034,717		\$1,034,717
2	Steam Product Plant	15,643,437			15,643,437
3	Nuclear Production Plant				
4	Hydraulic Production Plant--Conventional	2,827,248			2,827,248
5	Hydraulic Production Plant--Pumped Storage				
6	Other Production Plant	101,047			101,047
7	Transmission Plant	10,365,155	392,661		10,757,816
8	Distribution Plant	18,677,407	59,628		18,737,035
9	General Plant	1,816,720			1,816,720
10	Common Plant--Electric	2,616,916	671,449		3,288,365
11	TOTAL	\$52,047,930	\$2,158,455		\$54,206,385
B. Basis for Amortization Charges					
The following represents project licensing, transmission and distribution land rights, and computer software amortization applicable to or allocated to the electric department. These costs are amortized over the expected life or lease of the project, transmission or distribution plant, or computer software.					
Plant Account	Costs Being Amortized	Amortization Period (Years)	Annual Amortization	Allocated to Electric	
303	\$66,891,142	10,30,50	\$935,901	\$935,901	
303	656,395	5,8,10	98,816	98,816	
350.2	13,493,556	34	392,661	392,661	
360.2	1,899,071	32	59,628	59,628	
4303	\$ 7,896,297	3,5,10	\$907,363	\$671,449	

Name of Respondent THE MONTANA POWER COMPANY		This Report Is: (2) ☒ An Original (2) ☐ A Resubmission		Date of Report (Mo, Da, Yr)	Year of Report Dec. 31, 1997
HYDROELECTRIC GENERATING PLANT STATISTICS (Large Plants)					
1. Large plants are hydro plants of 10,000 Kw or more of installed capacity (name plate ratings). 2. If any plant is leased, operated under a license from the Federal Energy Regulatory Commission, or operated as a joint facility, indicate such facts in a footnote. If licensed project, give project number. 3. If net peak demand for 60 minutes is not available, give that which is available, specifying period. 4. If a group of employees attends more than one generating plant, report on line 11 the approximate average number of employees assignable to each plant.					
Line No.	Item (a)	FERC Licensed Project No. 2188 Plant Name: Black Eagle (b)	FERC Licensed Project No. 2188 Plant Name: Cochrane (c)		
1	Kind of Plant (Run-of-River or Storage)	* Run-of-River	* Run-of-River		
2	Type of Plant Construction (Conventional or Outdoor)	Conventional	Semi-Outdoor		
3	Year Originally Constructed	1927	1958		
4	Year Last Unit was Installed	1927	1958		
5	Total installed Capacity (Generator Name Plate Rating in Kw)	21.28	48.00		
6	Net Peak Demand on Plant-Megawatts (60 minutes)	20	57		
7	Plant Hours Connected to Load	8,688	8,755		
8	Net Plant Capability (in megawatts)				
9	(a) Under the Most Favorable Oper. Conditions	18	54		
10	(b) Under the Most Adverse Oper. Conditions	11	18		
11	Average Number of Employees	3	0		
12	Net Generation, Exclusive of Plant Use-Kwh	156,810,441	395,102,300		
13	Cost of Plant:				
14	Land and Land Rights	\$391,699	\$63,376		
15	Structures and Improvements	453,457	1,063,881		
16	Reservoirs, Dams, and Waterways	2,392,729	5,713,042		
17	Equipment Costs	1,780,406	4,814,764		
18	Roads, Railroads, and Bridges	27,508	93,874		
19	TOTAL Cost (Enter Total of lines 14 thru 18)	\$5,045,799	\$11,748,937		
20	Cost per Kw of Installed Capacity (Line 5)	\$237.1146	\$244.7695		
21	Production Expenses:				
22	Operation Supervision and Engineering	48,950	102,610		
23	Water for Power	44,680	91,769		
24	Hydraulic Expenses	88,230	33,913		
25	Electric Expenses	140,574	126,019		
26	Misc. Hydraulic Power Generation Expenses	20,689	17,502		
27	Rents	10	24		
28	Maintenance Supervision and Engineering	6,665	14,995		
29	Maintenance of Structures	10,023	3,385		
30	Maintenance of Reservoirs, Dams, and Waterways	114,004	24,003		
31	Maintenance of Electric Plant	37,567	36,985		
32	Maintenance of Misc. Hydraulic Plant	23,576	5,661		
33	Total Production Expenses (Total lines 22 thru 32)	\$534,968	\$456,866		
34	Expenses per net Kw	\$0.0034	\$0.0011		

Name of Respondent THE MONTANA POWER COMPANY	This Report is: () An Original (x) A Resubmission	Date of Report (Mo, Da, Yr) Dec. 31, 1997	Year of Report Dec. 31, 1997
HYDROELECTRIC GENERATING PLANT STATISTICS (Large Plants) (Continued)			
5. The items under Cost of Plant represent accounts or combinations of accounts prescribed by the Uniform System of Accounts. Production Expenses do not include Purchased Power, System Control and Load Dispatching, and Other Expenses classified as "Other Power Supply Expenses."		6. Report as a separate plant any plant equipped with combinations of steam, hydro, internal combustion engine, or gas turbine equipment.	
FERC Licensed Project No. 2188 Plant Name: Nauset (d)	FERC Licensed Project No. 2188 Plant Name: Holter (e)	FERC Licensed Project No. 5 Plant Name: Kerr (f)	Line No.
Storage	Storage	Storage	1
Conventional	Conventional	Conventional	2
1907	1918	1938	3
1914	1918	1954	4
17.00	38.40	211.68	5
17	52	195	6
8,752	8,760	8,760	7
*	*	*	8
17	50	188	9
*	*	*	10
10	19	41	10
4	4	4	11
139,592,000	375,539,000	1,285,459,250	12
			13
242,239	223,034	1,301,968	14
616,641	910,387	3,337,456	15
4,832,944	5,098,496	6,850,049	16
983,888	2,385,156	8,604,312	17
39,494	5,550	803,636	18
96,715,206	88,622,623	\$20,897,421	19
\$395.0121	\$224.5474	\$98.7217	20
			21
34,366	88,568	472,450	22
46,293	92,586	178,063	23
37,474	30,654	74,692	24
74,894	109,387	125,774	25
44,530	51,412	64,050	26
21,863	15,114	13,210,109	27
4,998	13,329	54,983	28
13,431	24,311	28,748	29
44,000	20,495	29,594	30
46,161	88,067	93,483	31
13,504	11,368	18,802	32
\$381,514	\$545,271	\$14,350,748	33
\$0.0027	\$0.0014	\$0.0111	34

Name of Respondent THE MONTANA POWER COMPANY		This Report is: (1) ☒ An Original (2) ☐ A Resubmission		Date of Report (Mo, Da, Yr) Dec. 31, 1997	Year of Report Dec. 31, 1997
HYDROELECTRIC GENERATING PLANT STATISTICS (Large Plants)					
1. Large plants are hydro plants of 10,000 Kw or more of installed capacity (name plate ratings). 2. If any plant is leased, operated under a license from the Federal Energy Regulatory Commission, or operated as a joint facility, indicate such facts in a footnote. If licensed project, give project number. 3. If net peak demand for 60 minutes is not available, give that which is available, specifying period. 4. If a group of employees attends more than one generating plant, report on line 11 the approximate average number of employees assignable to each plant.					
Line No.	Item (a)	FERC Licensed Project No. 2188 Plant Name: Morony (b)	FERC Licensed Project No. 2301 Plant Name: Mystic Lake (c)		
1	Kind of Plant (Run-of-River or Storage)	* Run-of-River	Storage		
2	Type of Plant Construction (Conventional or Outdoor)	Semi-Outdoor	Conventional		
3	Year Originally Constructed	1930	1925		
4	Year Last Unit was Installed	1930	1925		
5	Total installed Capacity (Generator Name Plate Rating in MW)	45.00	10.00		
6	Net Peak Demand on Plant-Megawatts (60 minutes)	49	11		
7	Plant Hours Connected to Load	8,735	8,746		
8	Net Plant Capability (In megawatts)				
9	(a) Under the Most Favorable Oper. Conditions	* 48	* 11		
10	(b) Under the Most Adverse Oper. Conditions	* 17	* 3		
11	Average Number of Employees	0	3		
12	Net Generation, Exclusive of Plant Use-KWh	389,669,503	58,886,720		
13	Cost of Plant:				
14	Land and Land Rights	\$238,300	\$43,317		
15	Structures and Improvements	457,683	1,080,713		
16	Reservoirs, Dams, and Waterways	2,822,179	10,232,252		
17	Equipment Costs	2,635,092	1,927,786		
18	Roads, Railroads, and Bridges	3,930	1,453,511		
19	TOTAL Cost (Enter Total of Lines 14 thru 18)	\$6,157,184	\$14,737,579		
20	Cost per KW of Installed Capacity (Line 5)	\$136.8263	\$1,473.7579		
21	Production Expenses:				
22	Operation Supervision and Engineering	91,495	13,788		
23	Water for Power	74,822			
24	Hydraulic Expenses	29,640	12,189		
25	Electric Expenses	105,119	62,525		
26	Misc. Hydraulic Power Generation Expenses	24,931	96,043		
27	Rents	21	216,547		
28	Maintenance Supervision and Engineering	13,329	1,666		
29	Maintenance of Structures	5,859	11,550		
30	Maintenance of Reservoirs, Dams, and Waterways	43,229	30,074		
31	Maintenance of Electric Plant	40,642	20,143		
32	Maintenance of Misc. Hydraulic Plant	10,201	2,673		
33	Total Production Expenses (Total Lines 22 thru 32)	\$439,288	\$467,198		
34	Expenses per net KWh	\$0.0011	\$0.0079		

Name of Respondent THE MONTANA POWER COMPANY	This Report is: (2) [X] An Original (2) [] A Resubmission	Date of Report (No, Da, YF)	Year of Report Dec. 31, 1997
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HYDROELECTRIC GENERATING PLANT STATISTICS (Large Plants) (Continued)

5. The items under Cost of Plant represent accounts or combinations of accounts prescribed by the Uniform System of Accounts. Production Expenses do not include Purchased Power, System Control and Load Dispatching, and Other Expenses classified as "Other Power Supply Expenses."

6. Report as a separate plant any plant equipped with combinations of steam, hydro, internal combustion engine, or gas turbine equipment.

FERC Licensed Project No. 2188 Plant Name: Rainbow (d)	FERC Licensed Project No. 2188 Plant Name: Ryan (e)	FERC Licensed Project No. 1869 Plant Name: Thompson Falls (f)	Line No.
* Run-of-River	* Run-of-River	Storage	1
Conventional	Conventional	Conventional	2
1910	1915	1915	3
1917	1916	1995	4
35.60	48.00	90.95	5
36	60	88	6
8,780	8,759	8,755	7
			8
35	60	86	9
22	31	25	10
27	4	5	11
213,464,400	504,120,000	531,582,000	12
			13
796,260	1,196,422	655,966	14
2,524,248	1,377,431	28,055,992	15
11,872,471	4,838,039	8,366,297	16
2,181,408	3,890,090	28,709,940	17
3,792	20,697	102,408	18
\$17,378,179	\$11,322,679	\$65,890,603	19
\$488.1510	\$235.8891	\$724.4706	20
			21
68,467	129,840	152,417	22
82,360	124,884	34,232	23
59,742	49,176	81,940	24
141,897	139,326	118,515	25
108,489	50,747	78,001	26
16	31	3,767	27
9,997	19,994	28,326	28
25,713	50,900	3,395	29
135,000	33,890	449,539	30
224,720	30,639	88,402	31
70,561	33,601	5,977	32
\$926,962	\$663,028	\$1,044,511	33
\$0.0043	\$0.0013	\$0.0019	34



FILE



STATEMENT OF CLAIM



*43D *



81549



00

Trying to
change
priority
date

Crow
Resor
vation

Current File Location: NEW STORAGE

Box Bar Code _____

File Bar Code _____

Date/Initials _____

43 D - W081549-00

STATEMENT OF CLAIM
FOR EXISTING WATER RIGHTS
STOCKWATER
FOR THE WATER COURTS OF THE STATE OF MONTANA

1. OWNER OF WATER RIGHT: U.S. DEPARTMENT OF INTERIOR,
BUREAU OF LAND MANAGEMENT,
P.O. BOX 30157,
BILLINGS, MONTANA 59107

2. USE: STOCKWATER

3. NAME OF SOURCE: SOUTH GROVE CRK SPRING

4. SOURCE OF WATER: SPRING GROUNDWATER:
S FRK GROVE CR DRAINAGE
SOUTH FORK GROVE CREEK
CLARKS FRK YELLOWSTONE R

5. POINT OF DIVERSION: CARBON COUNTY
SUBDIV SECTION TOWNSHIP RANGE
SENE 035 8S 20E

6. MEANS OF DIVERSION: SPRING

7. TOTAL NUMBER OF LIVESTOCK SERVED: 24 AUMS

8. PLACE OF USE: CARBON COUNTY
SUBDIV SECTION TOWNSHIP RANGE
SENE 035 8S 20E

9. FLOW CLAIMED: 5.0 GPM

10. VOLUME CLAIMED: .40 ACRE FEET PER YEAR

11. PERIOD OF USE: JAN. 1 TO DEC. 31.

12. TYPE OF RIGHT: USE WATER RIGHT

13. PRIORITY DATE CLAIMED: 1879

CERTIFICATION, SIGNATURE AND NOTARIZATION FOR EACH CLAIM IS CONTAINED ON THE TRANSMITTAL LETTER SUBMITTED WITH THIS CLAIM.

WATER RIGHT DATA BASE CODING FORM REMARK RECORD

Supplemental Document
CLAIM # 08/549

REMARK RECORD:

ID TEXT
AMOUNT THE PRIORITY DATE WAS AMENDED BY THE CLAIMANT ON

TEXT
01/06/188.

TEXT

ID TEXT

TEXT

TEXT

ID TEXT

TEXT

TEXT

ID TEXT

TEXT

TEXT

EXHIBIT IV-4 (cont.)

FILED
JAN 10 1989

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

02/22/85

ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

CLAIM ID 43D -W-081549-00 PRIORITY DATE: 00:00 02/00/1975 TYPE OF RIGHT: USE CLAIM RECEIVED: 11/17/81 FEE PAID: \$0
TYPE CODE: S MAX RATE: 0.40 AF/YEAR (MI) MAX VOLUME: 0.40 AF/YEAR MAX ACRES: 0.00

OWNERS: (M) C US DEPT OF INTERIOR BUREAU OF LAND MGMT
FC BOX 36800

BILLINGS MT 59107

SOURCES: DV 01 SP UT GOLD CREEK LOT BLK QTR SEC SEC TWP RGE CC

GROUNDWATER SENE 35 08S 20E CA MEANS DIVRS LS

USE: ST 01 240.0 AU PERIOD OF USE 155599999997

ACRES	VER.	ACRES	WRS	19	19	LOT	BLK	QTR	SEC	SEC	TWP	RGE	CC	REMARKS
PARCELS: 001	0.00													SENE 35 08S 20E CA
TOTAL	0.00													

AGGENDUMS: YES NO (DIVRS RSRV POU MARK CNR) COMMENTS

SUPPLEMENTAL IF REF. RIGHT, MAX COMBINED VOLUME FOR ALL RIGHTS AF MAX COMBINED ACRES FOR ALL RIGHTS

RIGHTS: IF SUPPLEMENTAL RIGHT, PURPOSE ID AND CLAIM ID OF REF. RIGHT

***** FIELD VERIFICATION FORM *****

COMPARISON STATISTICS: FLOW RATE 4.58 G (0.021 GPM/AU)
VOLUME 0.40 (0.002 AF/AU)

VOLUME-BASED ON AU MONTHS USED AND S/G CODE 8.198 AF/YR OVER CLAIMED VOLUME

BASIN OK: YES NO COMMENTS

SOURCE NAME OK: YES NO (FROM: USGS TOPO MAP NR SURVEY) COMMENTS

TYPE CD (S/G) OK: YES NO COMMENTS

POB OK: DV 01 YES NO APPEARS CORRECT UNVERIFIED (FROM: CLMNTS MAP GRID ON FLNG) COMMENTS

MEANS DIVRS OK: YES NO APPEARS CORRECT UNVERIFIED COMMENTS

PROOF OF USE: CLAIMED FLOW RATE OK: YES NO NONE GIVEN COMMENTS

CLAIMED PRY DATE OK: YES NO COMMENTS

FLOW RATE OK: YES NO APPLY STANDARD COMMENTS change to zero

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

02/22/85

ABSTRACT OF CLAIM FOR EXISTING WATER RIGHTS

CLAIM ID 43C -W-081549-00 (CONTINUED)

VOLUME OK: ☐ YES ☒ NO ☐ APPLY STANDARD COMMENTS

PRIORITY DATE OK: ☐ YES ☒ NO (☐ APPLIED LAST MONTH OF YR ☐ APPLIED LAST DAY OF MONTH) COMMENTS

TELEPHONE CONTACT: ☐ YES ☒ NO DATE COMPLETED ☐ / ☐ / ☐ BY ☐ COMMENTS

LETTER CONTACT: ☐ YES ☒ NO DATE COMPLETED ☐ / ☐ / ☐ BY ☐ COMMENTS

OWNERSHIP: ☐ YES ☒ NO DATE COMPLETED ☐ / ☐ / ☐ BY ☐ COMMENTS

INTERVIEW: ☐ YES ☒ NO DATE COMPLETED ☐ / ☐ / ☐ BY ☐ COMMENTS

FIELD INVESTIGATION: ☐ YES ☒ NO APPROVED BY ☐ DATE CHECKED ☐ / ☐ / ☐ BY ☐ COMMENTS

GENERAL REMARKS:

INVESTIGATED BY

Charley Carpenter

DATE

7/31/85

REVIEWED BY

DATE

/ /

02/25/88

43D -W-081549-00

D.N.R.C.

EXAMINATION WORKSHEET

coding

WATER RIGHT NUMBER 43D -W-081549-00

----- I OWNERS: US DEPT OF INTERIOR BUREAU OF LAND MGMT
 PD BOX 36800
 BILLINGS MT 59107

☒ ok ☐ not ok ☐ amended ☐ rule 2.II. ☐ DNRC error
 remarks: _____
 comments: _____

----- I PURPOSE: STOCK

☒ ok ☐ not ok ☐ amended ☐ rule 2.I. ☐ DNRC error
 remarks: _____
 comments: _____

----- ~~X~~ SOURCE: SPRING, TRIBUTARY FOR GOLD CREEK
GROUNDWATER

☐ ok ☒ not ok ☐ amended ☒ rule 2.VI. ☐ DNRC error
 data source: ☒ USGS topo map TOLMAN FLAT
☐ WR survey ☐ others _____

SOURCE TYPE: SURFACE GROUNDWATER

☐ ok ☒ not ok remarks _____

comments: SOURCE IS UNDEVELOPED SPRING

I POINTS OF DIVERSION AND MEANS OF DIVERSION:

----- DVO1 LOT BLK QIR SEC SEC TWP RGE CNIY MEANS IRIB
 SENE 35 08S 20E CA LS

☒ ok ☐ not ok ☐ amended ☐ rule 4.II. ☐ DNRC error
 additional points of diversion: see attached code sheets
 common carrier ditch ☐ yes ☒ no CX51** remark added ☐ yes ☒ no
 remarks: _____
 comments: _____

----- BASIN CODE: 43D

☒ ok ☐ not ok ☐ interbasin transfer with basin
 remarks: _____
 comments: _____

☒ I PRIORITY DATE: DEC. 31, 1891
00, 1879

☐ ok ☒ not ok ☒ amended ☐ rule 2.VIII. ☐ DNRC error
 remarks: _____
 comments: _____

----- I TYPE OF RIGHT: USE

☒ ok ☐ not ok ☐ amended ☐ rule 2.VIII. ☐ DNRC error
 remarks: _____
 comments: _____

FILMED

JAN 10 1989

02/25/88

43D -W-081549-00

D.N.R.C.
EXAMINATION WORKSHEET

coding

--- ~~1~~ FLOW RATE: ^{0.0}
~~4.98~~ GPM (0.4 MI)

___ ok ☒ not ok ___ amended ___ rule 4.IV. ___ DNRC error
remarks: _____
comments: _____

--- ~~1~~ VOLUME: ^{0.0}
~~0.40~~ acre-feet per year
(feasible vol. = 8.05 AF)

___ ok ☒ not ok ___ amended ___ rule 4.IV. ___ DNRC error
remarks: _____
comments: _____

--- ~~1~~ PERIOD OF USE: JAN 1 TO DEC 31 (computer array: 199999999997)

☒ ok ___ not ok ___ amended ___ rule 4.V. ___ DNRC error
remarks: _____
comments: _____

--- ~~1~~ PLACE OF USE FOR STOCK: ST01
001 ~~ACRES~~ ~~LOT~~ ~~BLK~~ ~~QIR~~ ~~SEC~~ ~~SEC~~ ~~TWP~~ ~~RGE~~ ~~CNIY~~
SENE 35 08S 20E CA

☒ ok ___ not ok ___ amended ___ rule 4.III. ___ DNRC error
___ additional p.o.u. parcels: see attached code sheets
remarks: _____
comments: _____

ADDITIONAL REMARKS:

--- fee paid: \$0.00 ___ ok ___ not ok
--- claim received: 11/17/81 ___ ok ___ not ok

telephone contact: ___ yes ___ no date _____ phone #: _____
letter contact: ___ yes ___ no date _____
interview: ___ yes ___ no date _____
ownership check: ___ yes ___ no date _____
field investigation: ___ yes ___ no date _____
water court contact: ___ yes ___ no date _____ approval: _____
General Comments: _____

02/25/88

43D -W-081549-00

D.N.R.C.
EXAMINATION WORKSHEET

coding

BLM ID# ~ 6814

Examined by: Rusty Taylor date 12-19-88
Addendums: X yes no (nos: 1 RMRK RSRV POU DVRS OWNRR)
Comments: _____

Coded by: BK Date 1/18/89



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

222 North 32nd Street
P.O. Box 36800
Billings, Montana 59107

IN REPLY REFER TO:
7250 (931)

January 4, 1988

Mr. Charlie Carpenter
Department of Natural Resources
and Conservation
1537 Avenue D, Suite 52
Billings, Montana 59102

RECEIVED

JAN 6 1988

DEPT. OF NATURAL RESOURCES
AND CONSERVATION
BILLINGS OFFICE

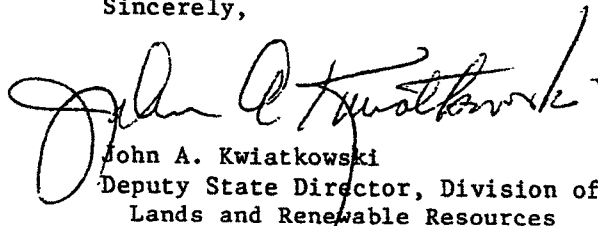
Dear Mr. Carpenter:

In response to your telephone conversation with Frances Rieman, we are requesting amendments to the priority dates for several of the United States' water rights claims in Basin 43D. The reason for this request is that the involved lands were still included within the Crow Indian Reservation lands in 1879 (the claimed livestock historical use date). These lands reverted to federal ownership on March 3, 1891; therefore, we are requesting that the priority date for each of the claims listed below be amended to March 3, 1891:

43D-W-081518	43D-W-081521	43D-W-085123	43D-W-085132	43D-W-081540
43D-W-018543	43D-W-081545	<u>43D-W-081549</u>	43D-W-081571	43D-W-081600
43D-W-081614	43D-W-081638	43D-W-018660	43D-W-081661	43D-W-018672
43D-W-081681				

If we can provide further information or assistance in your review of these claims, please do not hesitate to contact us.

Sincerely,


John A. Kwiatkowski
Deputy State Director, Division of
Lands and Renewable Resources

On this 4th day of January, 1988, before me DEE LYNN BAXTER, Notary Public for the State of Montana, personally appeared John A. Kwiatkowski, known to me to be the person whose name he subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarized seal the day and year first above written.

CLAIMANT
Supplemental Document

CLAIM # 81549

Dee Lynn Baxter
Notary Public for the State of Montana
Residing at BILLINGS, MT
My Commission Expires 2-1-1990

02/01/89

43D -W-081549-00

D.N.R.C.

: * * * * * REVIEW ABSTRACT * * * * *
: coding
WATER RIGHT NUMBER 43D -W-081549-00

-----I OWNERS: US DEPT OF INTERIOR BUREAU OF LAND MGMT
PO BOX 36800
BILLINGS MT 59107

-----I PURPOSE (USE): STOCK

-----I * SOURCE: SPRING, TRIB OF GOLD CREEK
SOURCE TYPE: GROUNDWATER

✓ -----I PRIORITY DATE: ~~DECEMBER 31, 1879~~ MARCH 03, 1891
-----I TYPE OF RIGHT: USE

-----I * FLOW RATE: 0.00

NO FLOW RATE HAS BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING FROM THE SOURCE, EITHER DIRECTLY, OR FROM A DITCH SYSTEM.

-----I * VOLUME: 0.00 AF

NO VOLUME HAS BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING FROM THE SOURCE. THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORIC USE OF THE AREA SERVICED BY THIS RIGHT.

-----I PERIOD OF USE: JANUARY 01 TO DECEMBER 31

-----I POINTS OF DIVERSION AND MEANS OF DIVERSION:
DV01 LOT BLK QTR SEC SEC TWP RGE CNTY MEANS TRIB
SENE 35 08S 20E CA LS Y

-----I PLACE OF USE FOR STOCK:
001 ACRES LOT BLK QTR SEC SEC TWP RGE CNTY
SENE 35 08S 20E CA

----- GENERAL EXAMINATION REMARKS:

AM01 THE PRIORITY DATE WAS AMENDED BY THE CLAIMANT ON
01/06/88.

----- UNPUBLISHED INFORMATION
FEE RECEIVED \$0.00 DATE RECEIVED NOV 17, 1981

----- OTHER REMARKS NOT PRINTED
ST01 SP

FILMED

12/01/89

DNRC REVIEW ABSTRACT (CONT.)

43D -W-081549-00

EXAMINED BY: _____ DATE _____
ADDENDUMS: ___ YES ___ NO (NOS: ___ DVRS ___ RSRV ___ POU ___ RMRK ___ OWNER)

CODED BY: DOF DATE 2/4/89

03/02/89

43D -W-081549-00

D.N.R.C.

***** REVIEW ABSTRACT *****
coding
WATER RIGHT NUMBER 43D -W-081549-00

-----| OWNERS: US DEPT OF INTERIOR BUREAU OF LAND MGMT
PO BOX 36800
BILLINGS MT 59107

-----| PURPOSE (USE): STOCK

-----| *| SOURCE: SPRING, TRIB OF GOLD CREEK
SOURCE TYPE: GROUNDWATER

-----| PRIORITY DATE: MARCH 03, 1891
-----| | TYPE OF RIGHT: USE

-----| *| FLOW RATE: 0.00

NO FLOW RATE HAS BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING FROM THE SOURCE, EITHER DIRECTLY, OR FROM A DITCH SYSTEM.

-----| *| VOLUME: 0.00 AF

NO VOLUME HAS BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING FROM THE SOURCE. THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORIC USE OF THE AREA SERVICED BY THIS RIGHT.

-----| PERIOD OF USE: JANUARY 01 TO DECEMBER 31

-----| POINTS OF DIVERSION AND MEANS OF DIVERSION:
LQI BLK QIR SEC SEC IWP RGE CNIY MEANS TRIB
DV01 SENE 35 OBS 20E CA LS Y

-----| PLACE OF USE FOR STOCK:
ACRES LQI BLK QIR SEC SEC IWP RGE CNIY
001 SENE 35 OBS 20E CA

----- GENERAL EXAMINATION REMARKS:

AM01 THE PRIORITY DATE WAS AMENDED BY THE CLAIMANT ON
01/06/88.

----- UNPUBLISHED INFORMATION
FEE RECEIVED \$0.00 DATE RECEIVED NOV 17, 1981

----- OTHER REMARKS NOT PRINTED
ST01 SP

03/02/89

DNRC REVIEW ABSTRACT (CONT.)

43D -W-081549-03

EXAMINED BY: _____ DATE _____
ADDENDUMS: ___ YES ___ NO (NDS: ___ DVRS ___ RSRV ___ POU ___ RMRK ___ OWNER)

CODED BY: _____ DATE _____

TEMPORARY PRELIMINARY DECREE
CLARKS FORK YELLOWSTONE RIVER
BASIN 43D
ABSTRACT OF WATER RIGHT CLAIM

04/23/93
PAGE 2,656

WATER RIGHT NUMBER 43D -W-081549-00

IMPORTANT NOTICE

YOUR WATER RIGHT AS SHOWN ON THIS ABSTRACT MAY HAVE CHANGES FROM YOUR WATER RIGHT AS CLAIMED OR AMENDED. AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (DNRC) DURING THE EXAMINATION PROCESS. THESE CHANGES ARE AUTHORIZED BY THE MONTANA WATER COURT OR THE WATER RIGHT CLAIM EXAMINATION RULES AS ADOPTED BY THE MONTANA SUPREME COURT.

OBJECTIONS MAY BE FILED ACCORDING TO THE PROCEDURES OUTLINED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF TEMPORARY PRELIMINARY DECREE AND NOTICE OF AVAILABILITY." UNLESS OBJECTED TO OR CALLED IN ON MOTION OF THE MONTANA WATER COURT IN THIS DECREE OR IN THE PRELIMINARY DECREE, THE ELEMENTS OF THIS CLAIMED WATER RIGHT WILL APPEAR IN THE FINAL DECREE AS SHOWN ON THIS ABSTRACT. (SEE SECTION 85-2-233, MONTANA CODE ANNOTATED.)

OWNERS: USA (DEPT OF INTERIOR BUREAU OF LAND MGMT)
PO BOX 36800
BILLINGS MT 59107

PURPOSE (USE): STOCK

* **SOURCE:** SPRING, TRIB OF GOLD CREEK
SOURCE TYPE: SURFACE WATER

PRIORITY DATE: MARCH 03, 1891
TYPE OF HISTORICAL RIGHT: USE

* **FLOW RATE:** NO FLOW RATE HAS BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM.

* **VOLUME:** THIS WATER RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

PERIOD OF USE: JANUARY 01 TO DECEMBER 31

POINT OF DIVERSION AND MEANS OF DIVERSION:

	LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY	MEANS
01				SENE	35	08S	20E	CARBON	DIRECT FROM SOURCE

PLACE OF USE FOR STOCK:

	ACRES	LOT	BLK	QTR	SEC	SEC	TWP	RGE	COUNTY
001				SENE	35	08S	20E	CARBON	

REMARKS:

THE PRIORITY DATE WAS AMENDED BY THE CLAIMANT ON
01/06/88.

FILMED

APR 27 1993

TEMPORARY PRELIMINARY DECREE
CLARKS FORK YELLOWSTONE RIVER
BASIN 43D
ABSTRACT OF WATER RIGHT CLAIM

04/23/93
PAGE 2,657

WATER RIGHT NUMBER 43D -W-081549-00 (CONTINUED)

REMARKS CONTINUED:

* THE FOLLOWING ISSUES WERE IDENTIFIED BY THE DNRC DURING ITS *
* EXAMINATION OF THIS WATER RIGHT CLAIM. THESE ISSUES MAY REMAIN *
* UNRESOLVED IF NO OBJECTIONS ARE FILED. *
* *
* *
* *
* *
* *
* *
* *
* *
* *

AT THE TIME OF THE CLAIMED PRIORITY DATE, IT APPEARS
THAT THE PLACE OF USE WAS PART OF AN INDIAN
RESERVATION.

A BETTER UNDERSTANDING OF YOUR CLAIMED WATER RIGHT CAN BE OBTAINED BY COMPARING YOUR RIGHT WITH OTHER CLAIMS IN THE BASIN. FOR EXAMPLE, COMPARE PRIORITY DATES, FLOW RATES, VOLUMES, OR ACRES IRRIGATED. ALSO, YOUR WATER RIGHT MAY BE SUBJECT TO WATER RIGHTS IN ADJOINING BASINS OR SUBBASINS AS WELL AS BEING SUBJECT TO OTHER RIGHTS ON YOUR SOURCE OF SUPPLY. FINALLY, YOUR WATER RIGHT MAY BE SUBJECT TO INDIAN RESERVED AND FEDERAL RESERVED WATER RIGHTS.

COMPLETE DETAILS REGARDING THE DNRC EXAMINATION RESULTS AND RELATED MATERIALS CAN BE REVIEWED AT THE OFFICE LOCATIONS IDENTIFIED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF TEMPORARY PRELIMINARY DECREE AND NOTICE OF AVAILABILITY."

SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER EXPLANATION OF YOUR CLAIMED WATER RIGHT. THESE FINDINGS CAN BE FOUND AS INDICATED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF TEMPORARY PRELIMINARY DECREE AND NOTICE OF AVAILABILITY." IF YOU NEED OBJECTION FORMS, OR HAVE QUESTIONS ABOUT WATER COURT PROCEDURES OR CHANGES TO YOUR RIGHT, YOU CAN CONTACT THE WATER COURT BY CALLING 1-800-624-3270 (WITHIN MONTANA ONLY) OR 1-406-586-4364, OR BY WRITING TO P.O. BOX 879, BOZEMAN MT 59771-0879.

IN THE WATER COURTS OF THE STATE OF MONTANA
YELLOWSTONE DIVISION
CLARKS FORK OF THE YELLOWSTONE RIVER BASIN - 43D

IN THE MATTER OF THE ADJUDICATION)
OF THE EXISTING RIGHTS TO THE USE)
OF ALL THE WATER, BOTH SURFACE AND)
UNDERGROUND, WITHIN THE CLARKS FORK)
YELLOWSTONE RIVER DRAINAGE AREA,)
INCLUDING ALL TRIBUTARIES OF THE)
CLARKS FORK YELLOWSTONE RIVER IN)
PARK, CARBON AND YELLOWSTONE COUNTIES,)
MONTANA.)

NOTICE OF OBJECTION

CLAIM NUMBER:
43D-W-081549-00

FILED

MAR 4 1994

Montana Water Court

1. Claim #: 43D-W-081549-00
2. Source: GROUNDWATER County: CARBON
3. Type of Claim: STOCK
4. Name of Person to Whom the Water Right was Issued:
USDI - BUREAU OF LAND MANAGEMENT
5. Objector's Name, Address and Phone Number:
United States Dept of Interior, (BLM)
P.O. Box 36800
Billings, Montana 59107-6800
(Attn: Frances Rieman) Phone: (406) 255-2932
6. Name of Objector's Attorney and Address, if any:
JAMES J. DUBOIS, attorney
U.S. Department of Justice
Environment and Natural Resource Div.
999 18th Street, Suite 945
Denver, Colorado 80202
(303) 294-1900

7. Basis of Objection:

Ownership
Priority Date
Purpose of Right
Volume

Point of Diversion
Acres Irrigated
Source
Flow Rate

Place of Use
Means of Diversion
Period of Use
☒ Other (See below)

Explanation for Other Objection:

THE TEMPORARY PRELIMINARY DECREE FOR THIS CLAIM CONTAINS THE FOLLOWING REMARK:

AT THE TIME OF THE CLAIMED PRIORITY DATE, IT APPEARS THAT THE PLACE OF USE WAS PART OF AN INDIAN RESERVATION.

THE CLAIMED PRIORITY DATE (3/3/1891) CORRESPONDS TO THE DATE OF THE ACT OF CONGRESS WHICH REMOVED THESE LANDS FROM THE INDIAN RESERVATION AND RESTORED THEM TO THE PUBLIC DOMAIN.

8. State the changes that you think should be made to this claim and why.

THE PRIORITY DATE REMARK SHOULD BE REMOVED FROM THE DECREE ABSTRACT FOR THIS WATER RIGHT.

YOU MUST MAIL A COPY OF THIS OBJECTION TO THE OWNER OF THIS WATER RIGHT. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, INDICATES TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS OBJECTION TO THE OWNER OF THIS WATER RIGHT.

CERTIFICATE OF MAILING

I, Kelly Ortiz, do solemnly swear that on the 2 day of March, 1997, I placed a copy of this objection in the U.S. Mail, - postage prepaid. The copy of this objection was mailed to:

Name: USDI - BUREAU OF LAND MANAGEMENT
Addr: P.O. BOX 36800
BILLINGS, MT 59107-6800

Respectfully Submitted,

SHERRY S. MATTEUCCI
United States Attorney
District of Montana

BY: James J. Dubois

JAMES J. DUBOIS, Attorney
U.S. Department of Justice
Environment and Nat. Resources Div.
999 - 18th Street, Suite 945
Denver, Colorado 80202
(303) 294-1900

ATTORNEYS FOR
UNITED STATES OF AMERICA

IN THE WATER COURT OF THE STATE OF MONTANA

YELLOWSTONE DIVISION

CLARKS FORK YELLOWSTONE RIVER BASIN (43D)

* * * * *

IN THE MATTER OF THE ADJUDICATION OF)
THE EXISTING RIGHTS TO THE USE OF ALL)
THE WATER, BOTH SURFACE AND UNDERGROUND,)
WITHIN THE CLARKS FORK YELLOWSTONE)
RIVER DRAINAGE AREA INCLUDING ALL)
TRIBUTARIES OF THE CLARKS FORK)
YELLOWSTONE RIVER IN BIG HORN, CARBON,)
PARK, STILLWATER AND YELLOWSTONE)
COUNTIES, MONTANA)

FILED

MAR 31 1995

Montana Water Court

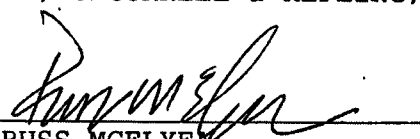
NOTICE OF INTENT TO APPEAR

1. Claim # 43D-W-081549
2. Source SP, GOLD CREEK
3. County Carbon County
4. Name, Address and Phone Number of Party Appearing:
Grove Creek Limited Liability Co.
Last Name First Name Middle Initial
P. O. Box 65
Street Address or Post Office Box
Belfry, MT 59008
City State Zip Code Phone
5. Name, address and phone number of party's attorney, if any
McElyea Russ
Last Name First Name Middle Initial
P. O. Box 1288
Street Address or Post Office Box
Bozeman Montana 59771-1288 587-5511
City State Zip Code Phone

(TURN FORM OVER AND COMPLETE BACKSIDE)

6. State the changes that you think should be made to this claim and why.

MOORE, O'CONNELL & REFLING, P.C.

BY: 

RUSS MCELYEA

P.O. Box 1288

Bozeman, MT 59771-1288

ATTORNEYS FOR Grove Creek Limited
Liability Co.

YOU MUST MAIL A COPY OF THIS NOTICE OF INTENT TO APPEAR TO THE OWNER OF THIS WATER RIGHT. COMPLETION OF THE CERTIFICATE OF MAILING, FOUND BELOW, INDICATES TO THE COURT THAT YOU HAVE MAILED A COPY OF THIS NOTICE OF INTENT TO APPEAR TO THE OWNER OF THIS WATER RIGHT.

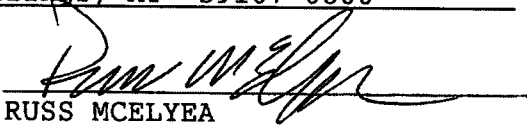
CERTIFICATE OF MAILING

31st I, Russ McElyea, do solemnly swear that on the day of March 1995, I placed a copy of this Notice of Intent to Appear in the U. S. Mail, postage prepaid. The copy of this Notice of Intent to Appear was mailed to:

Name: Bureau of Land Management

Address: P. O. Box 36800

City & State: Billings, MT 59107-6800


RUSS MCELYEA

Please send this completed form to: Montana Water Court
P. O. Box 879
Bozeman, MT 59771-0879

09/17/98
PAGE 1

IMPORTANT NOTICE

* THE FOLLOWING POTENTIAL ISSUES WERE IDENTIFIED DURING CLAIMS
* EXAMINATION OR DURING PREVIOUS WATER COURT PROCEEDINGS. THESE
* ISSUES MAY REMAIN UNRESOLVED IF NO OBJECTIONS ARE FILED DURING
* THE NEXT OBJECTION PERIOD.
*
*
*
*
*
* AT THE TIME OF THE CLAIMED PRIORITY DATE, IT APPEARS
* THAT THE PLACE OF USE WAS PART OF AN INDIAN
* RESERVATION.
*
*

Montana Water Court
PO Box 879
Bozeman, MT 59771-0879
1-800-624-3270 (In-state only)
(406) 586-4364

FILED

OCT 23 1998

IN THE WATER COURT OF THE STATE OF MONTANA
YELLOWSTONE DIVISION
CLARKS FORK YELLOWSTONE RIVER BASIN (43D)

* * * * *

Montana Water Court

IN THE MATTER OF THE ADJUDICATION OF)	CASE 43D-558
THE EXISTING RIGHTS TO THE USE OF ALL)	43D-W-081518-00.
THE WATER, BOTH SURFACE AND UNDERGROUND,)	43D-W-081521-00
WITHIN THE CLARKS FORK YELLOWSTONE)	43D-W-081523-00
RIVER DRAINAGE AREA INCLUDING ALL)	43D-W-081532-00
TRIBUTARIES OF THE CLARKS FORK)	43D-W-081540-00
YELLOWSTONE RIVER IN BIG HORN, CARBON,)	43D-W-081543-00
PARK, STILLWATER AND YELLOWSTONE)	43D-W-081545-00
COUNTIES, MONTANA)	43D-W-081549-00
_____)	43D-W-081571-00
43D-W-081638-00, 43D-W-081660, 43D-W-081661-00	

FILMED

CLAIMANT: United States of America (Bureau of Land Management)
OBJECTOR: United States of America (Bureau of Land Management)

CLOSING ORDER

The United States of America (Bureau of Land Management) objected to United States of America (Bureau of Land Management) stock claims above captioned. Grove Creek Limited Liability Co. filed a Notice of Intent to Appear against claim 43D-W-081549-00. As all objections and the Notice of Intent to Appear were withdrawn unconditionally, it is

ORDERED that there are no changes to be made to claims 43D-W-081518-00, 43D-W-081521-00, 43D-W-081523-00, 43D-W-081532-00, 43D-W-081540-00, 43D-W-081543-00, 43D-W-081545-00, 43D-W-081549-00, 43D-W-081571-00, 43D-W-081638-00, 43D-W-081660-00, 43D-W-081661-00.

DATED this 23 day of OCTOBER, 1998.

C. Bruce Loble
C. Bruce Loble
Chief Water Judge

Bureau of Land Management
PO Box 36800
Billings, MT 59107-6800

James J. DuBois, Attorney
U.S. Department of Justice
999 18th Street, Suite 945
Denver, CO 80202

Grove Creek Limited Liability Co.
PO Box 65
Belfry, MT 59008

Russ McElyea, Attorney
PO Box 1288
Bozeman, MT 59771-1288

In 1978, the Board of Natural Resources and Conservation (Board) granted water reservations in the Yellowstone River Basin to eight municipalities, fourteen CONSERVATION DISTRICTS, and six state and federal agencies. These water reservations have a priority date of December 15, 1978. Individuals within a conservation district who are interested in using water under the local district's water reservation should contact the conservation district office.

In 1992, the Board issued an order granting water reservations in the upper Missouri River Basin above Fort Peck Dam to seventeen municipalities, fifteen conservation districts, and four state and federal agencies. These water reservations have a priority date of July 1, 1985.

In 1994, the Board granted water reservations in the lower Missouri River Basin below Fort Peck Dam with a priority date of July 1, 1985, to nine municipalities, eight conservation districts, and one state agency. The Board also granted reservations in the Little Missouri River Basin with a priority date of July 1, 1989, to two municipalities, three conservation districts, and one state agency.

In both the Yellowstone and Missouri River Basins, water reservations were granted for municipal, irrigation, stock water, and instream flows for fish and wildlife and water quality protection.

The U.S. Forest Service reserved water rights compact approved by the Legislature in 2007 allows the federal agency to file for reservations as an instream right within a national forest boundary.

Instream Use and Leasing

Most water rights involve taking water out of streams for irrigation, domestic, or other consumptive uses. These diversions can reduce streamflows during times of drought, which in turn can stress local fisheries. In the 1980s and 1990s, the Montana Legislature realized this concern and created laws that allow water that is diverted for consumptive uses to be transferred temporarily to an instream use.

Changed
Priority
Dates

FROM: John Beyrau,

TO: Self & Files

Date: July 21, 2009

RE: notes on the Flathead Irrigation Project. Mission District

Some "issues" uncovered during the examination of the Mission District

The Mission district is the largest of the three districts in the project. Some of this applies to all three districts.

1.) There is no document in the "z" file or any of the claims that indicates that the Project is properly constituted under Montana laws. There is an agreement Dated September, 1981 for establishing the joint board of Control, but no underlying Court documents regarding the establishment of the districts or the board as required by MCA 85-7-101 through 2212 is supplied with the claims. A statement in the cover letter with the claims says that the districts were established under a court decree dated August 26, 1926. No copy of the decree is included with the claim as required in the rules in the examination manual.

2) There is a claimant supplemental document from the project titled " Flathead Irrigation Project -1973 Crop Report Summary " that identifies the Mission District as having 89,929 acres irrigated. The same report identifies 6601 acres in the Moise district. The two areas seem to be lumped together in the claims. The two districts total 96,530 acres according to one table in the report. Another table indicates that the Mission Valley unit aggregates 99,861 acres in extent in one place and 98,690 acres in another.

3) The same document has a graph that indicates irrigated acreage for the entire Flathead Irrigation Project has been continuously expanded since 1935. The graph indicates that about 67,500 acres were irrigated in 1935. The area continuously expanded to about 118,000 acres in 1973, according to the graph.

4) An amendment to the water rights for the entire irrigation project, received March

Problems
from
DN RC

27, 1989, changes the name of the owner to The Joint Board of Control of the Flathead, Mission and Jocko Irrigation Districts. No ownership update (form 608) was filed for the change. I inquired about the change and was told that at the time the DNRC staff involved concluded that an ownership update was not needed in this case.

5) Another amendment was filed by the Joint Board of Control, on February 27, 1990, to change the priority date of all the FIP water rights to July 16, 1855. This is the date of the Hellgate Treaty and establishment of the reservation. They did not change the type of right along with the date. The original claimed types were use and filed. Many originally had priority dates after April 1, 1910. Some of the claims have multiple appropriation filings as well.

It is not completely clear, from the information in the files, but it appears that the intent of the amendment was to claim the water reserved to the tribe under the Hellgate treaty.

6) A 1997 document produced by the Joint Board of Control, titled "Flathead Irrigation Project" contains schematic diagrams showing the water movement within the project. The relevant parts of the report have been copied and added to the files as a DNRC supplemental document.

The diagrams indicate that the Camas District uses water only from Little Bitterroot Lake, The Little Bitterroot River and their tributaries. The diagrams also indicate that the East Polson area immediately east of Polson and South of Flathead Lake only receives water from Twin Reservoir and not from the rest of the system.

7) According to a February 1981 letter from the Project engineer, the project is obligated to provide water to an area of 132,918.5 acres of land that has been identified as irrigable within the project area. The letter also states that further expansion might possibly occur beyond that area due to new developments in irrigation practices.

1 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
2 OF THE STATE OF MONTANA,
3 IN AND FOR THE COUNTY OF LAKE

4
5 IN THE MATTER OF THE PETITION)
6 OF THE BOARD OF COMMISSIONERS)
7 OF FLATHEAD IRRIGATION)
8 DISTRICT TO DETERMINE AND)
9 CONFIRM THE VALIDITY OF THE)
10 PROCEEDINGS HAD RELATIVE TO)
11 THE EXECUTION OF THE AMENDATORY)
12 REPAYMENT CONTRACT BETWEEN)
13 THE UNITED STATES OF AMERICA)
14 AND THE FLATHEAD IRRIGATION)
15 DISTRICT.)

FILED MAR 14 1950 *James A. ...*
Clerk District Court
By *...*
CASE No. 3720
PETITION

16
17 Come now L. A. Thomas, D. A. Dellwo, I. A.
18 Robertson, George W. Slack and L. G. Dondanville,
19 constituting the Board of Commissioners of Flathead
20 Irrigation District, and respectfully represent:

21 I.

22 That at all of the times hereinafter mentioned
23 the petitioners herein have been, and now are, the
24 duly elected, qualified and acting Commissioners of
25 the Flathead Irrigation District, a public corporation
26 of the State of Montana, and that said petitioners
27 constitute the entire Board of Commissioners of said
28 irrigation district.

29 II.

30 That the said Flathead Irrigation District
31 at all of the times hereinafter mentioned has been,
32 and now is, duly created, established and organized
33 as an irrigation district under the laws of the State
34 of Montana, and that heretofore and on the 26th day
35 of August, 1926, the decree and order of the above

FROM: John Beyrau, TO: Self

Date: July 8, 2009

RE: notes on the Camas District of the Flathead Irrigation Project.

Some "issues" uncovered during the examination of the Camas district

The Camas district covers about 17000 acres in Sanders Co. The exact acreage claimed is not clear. The claimant does not exactly identify the total acreage claimed anywhere on the claim forms.

- 1.) The information relating to the acreage included in the district claim documentation is not internally consistent. The tract data and the land classification data adds up to two different values. The tract data adds up to 17058.8 acres. The land class data adds up to 16987.12 acres. The claim information in the data base adds up to 17162.56 acres. There is a cover sheet on the tract data that says that the district contains 17,059 acres. Some of the copying quality of the claimant supplied documents is mediocre- so some values may be wrongly transcribed due to illegibility of the documents.
- 2.) There is no document in the "z" file or any of the claims that indicates that the Project is properly constituted under Montana laws. There is an agreement Dated September, 1981 for establishing the joint board of Control, but no underlying Court documents regarding the establishment of the districts or the board as required by MCA 85-7-101 through 2212 is supplied with the claims. A statement in the cover letter with the claims says that the districts were established under a court decree dated August 26, 1926. No copy of the decree is included with the claim as required in the rules in the examination manual.
- 3.) There is a supplemental document from the project titled " Flathead Irrigation Project -1973 Crop Report Summary " that identifies the Camas District as having 12,123 acres irrigated.
- 4.) The same document has a graph that indicates irrigated acreage for the entire Flathead project has been continuously expanded since 1935. The graph indicates that about

67,500 acres were irrigated in 1935. The area continuously expanded to about 118,000 acres in 1973, according to the graph.

5) A two part service area map for the Camas district, dated December 1960, in the claim file generally agrees with the claimed Place of Use as listed in the database. Some areas shown on the map are not listed as part of the claimed Place of Use.

FLATHEAD JOINT BOARD OF CONTROL

P.O. BOX 639
ST. IGNATIUS, MT 59865
(406) 745-2090

CLAIMANT

Supplemental Document

CLAIM # 76L - W166622-00

RECEIVED

FEB 27 1990

MONTANA D.N.R.C.
KALISPELL FIELD OFFICE

DNRC

February 22, 1990

Mr. Chuck Brasen
Department of Natural Resources
Kalispell Field Office
Water Rights Bureau
3220 HWY 93 South
P.O. Box 860
Kalispell, MT 59903

Dear Mr. Brasen:

Under cover of this letter you will find 146 water right amendments for the Flathead Joint Board of Control. The amendments change both the name of the appropriator and the priority date claim. Should you have any questions in this matter, please feel free to call me.

Sincerely,

Alan Mikkelsen DB

Alan Mikkelsen
Executive Director

AM/bb

CLAIMANT
Supplemental Document

CLAIM # 76L-W 166622-00

The irrigators represented by the Joint Board of Control and the Joint Board itself as the duly constituted representative of the Flathead, Mission and Jocko Irrigation Districts and the irrigators therein have asserted a priority date for their water rights as of the date of the creation of the Flathead Reservation in 1855 for two reasons. First, many of the irrigators are either Indian allottees or successors to Indian allottees who hold allotments in fee and, therefore, as to these lands they hold Winters Doctrine water rights with a priority as of the date of the creation of the Reservation pursuant to the Winters doctrine.

Second, many irrigators hold lands obtained after they were opened for settlement and, according to United States Supreme Court decisions and Ninth Circuit Court of Appeals decisions, the priority date of water rights appurtenant to these lands is that of the creation of the reservation wherein these lands are situated.

RECEIVED

FEB 27 1990

MONTANA D.N.R.C.
KALISPELL FIELD OFFICE

C
O
P
Y

St. Ignatius, Montana

September 3, 1954

A. W. Trimble, Vice President
Pacific Power and Light Company
Public Service Building
Portland 4, Oregon

Bonneville
Power
5.0¢/K.

Dear Mr. Trimble:

In a letter dated February 10, 1954, written by you as President of Mountain States Power Company, you propose cancellation of the contract under which we have supplied power and energy for use in Kalispell, Montana and vicinity. The recent merger of Mountain States with Pacific Power and Light Company will presumably bring new people into the discussion and it may now be helpful briefly to outline some of the background of this negotiation.

On July 23, 1937, the United States, on behalf of the Flathead Irrigation Project, entered into a contract, I-127-Ind-499, with Mountain States Power Company for the sale of electric power and energy to be used in Kalispell, Montana, and vicinity. Actual delivery by the Flathead Irrigation Project began on or about December 1, 1937. The above contract continued in effect until 1947 when a revised agreement, I-1-Ind.-18759, dated July 17, 1947, and approved by the Department of the Interior on September 10, 1947, was substituted therefor. This latter agreement by its terms (Article VIII) continues in effect until 12:00 PM, June 30, 1957.

Early in 1953 Mountain States Power Company proposed a change in the method of obtaining power for use at Kalispell and through Mr. L. W. Edwards, Operating Superintendent, outlined two plans. The Company preferred Plan I which was described in a memorandum from Mr. Edwards dated March 20, 1953, as follows:

"Plan #1.

"Contract with Bonneville for our entire load and pay Indian Service the \$1 per month commitment for reserve power required by the contract."

"Our first thinking would be quite simple. That we would contract with Bonneville and take from Bonneville our entire requirements for our Kalispell Division in excess of our own generation and satisfy requirements of our contract with the Indian Service by paying Indian Service for the quantities of reserve power set forth in Article I which would be \$1.00 per kilowatt per month of reserved power. The payments would be pending results of any negotiations towards the cancellation of the contract."

In my reply dated April 10, 1953 (which was handed to Mr. Edwards on that day after a conference at Polson, Montana) we explained our position as follows:

of course, to your continued obligation to pay monthly for of February the stipulated 'reserved power'.

"In recognising this interpretation we do not and cannot properly acquiesce at this time in any suggestion regarding cancellation or modification of the existing contract of July 17, 1947, prior to its termination date of June 30, 1957."

Acting on this exchange of letters Mountain States Power Company ceased taking Flathead Irrigation Project energy at 12:01 A.M., May 13, 1953, and instead began purchasing energy from Bonneville Power Administration.

On August 29, 1953 representatives of the Bureau of Indian Affairs met with you in Portland, Oregon, and outlined a plan which they would be willing to recommend to the interested organizations on the Flathead Project and to the Bureau of Indian Affairs for the adjustment of payments under Contract L-1-Ind.-18759, dated July 17, 1947. The interested parties of the Flathead Project include particularly the Tribal Council of the Confederated Salish and Kootenai Tribes, and the Board of Commissioners of the Flathead, Mission and Jocko Valley Irrigation Districts.

Several months later there was received a letter dated February 10, 1954, signed by you as President of Mountain States Power Company requesting a number of changes which on examination we find would work to the financial disadvantage of the Flathead Project.

Since that time your letter has been discussed with you and your representatives on various occasions and particularly at your office in Albany, Oregon, on May 4, 1954 when you were advised that the changes you proposed were generally unsatisfactory and that the Flathead Irrigation District had formally adopted a resolution opposing favorable action on your request.

By a formal joint notice from Pacific Power and Light Company and Mountain States Power Company dated May 21, 1954, we have been informed that the two companies have been merged effective at the close of business on that day. The notice contains the following language:

"Under this Merger Agreement, Pacific Power and Light Company has assumed all of the contracts, agreements, debts, liabilities, and other obligations of Mountain States Power Company, and will perform and carry out all such obligations, agreeing to their terms as fully and with the same force and effect as though originally entered into or incurred directly by Pacific Power and Light Company."

Now we have again reviewed the situation and your letter of February 10, 1954, and believe it desirable to restate our position.

Your letter refers to the settlement which the Flathead Project made with the Flathead Electric Cooperative, Inc., in accordance with instructions from the Secretary of the Interior and we note the statement in the next to the last paragraph of your letter to the effect that while the application of a similar formula to your contract would lead to a smaller payment than you are proposing, you think the present situation merits a different type of proposal. We agree that the case of the Flathead Electric Cooperative, Inc. for several reasons is not an appropriate precedent to be followed in adjusting your case.

In regard to your paragraph entitled "Wheeling Charges" we point out that the \$1386 per month that has been paid Bonneville Power Administration by the Flathead Irrigation Project was intended to and did cover our delivery of construction power at Kalispell for Hungry Horse Dam as well as for Mountain States Power Company. We consider that an allowance of one-half of this charge or \$693.00 per month as a credit to you, for the period subsequent to the time at which the Flathead Project is formally relieved of its obligation to make power available to you at Kalispell on your demand, is entirely fair to you and is as much as we can properly recommend. The total amount of this possible credit is of course decreasing month by month. Should the proposed settlement become effective by October 31, 1954, there will be 32 months remaining prior to the stipulated contract termination on June 30, 1957, and the aggregate of this credit item might be \$22,176.00.

Referring to your paragraph entitled "Demand Profits in Excess of Contract" we note that there is no dispute about the correctness of our billings under the contract dated July 17, 1947. During the negotiation of this contract one of the considerations was the importance to your company of having power available to the extent specified. As recently as August 1950, the Mountain States Power Company considered seriously the making of a request for an increase of the Reserved Power as tabulated in the contract of July 17, 1947, by raising the amounts by perhaps 1500 kilowatts. Certainly there has been real value to the Company in being able to take more than the stipulated "Reserved Power" without assuming other obligations than payment for the months in which the excess demands occurred. For its part the Project expected to make a profit. Therefore we consider that there are no proper grounds for allowance of this claim.

We agree that you have a present contractual right to impose demands on our system as discussed in your paragraph entitled "Possible Future Demand and Ratchet Costs." Fortunately our situation in regard to the burden of expense that this might put on us is not as bad as you paint it. In any event, it is in consideration of the

Possibly to be compromised for
the 32 months from
November 1, 1954 to June 30, 1957.

Gross Contract amount	\$279,700.00
Credit for waiving delivery at Kalispell at \$893.00 per month	<u>22,176.00</u>
	<u>\$257,524.00</u>

Discount at rate of 2% per
annum simple interest on
future monthly obligations
if paid on or before October
31, 1954

7,166.27

Proposed net settlement for 32 months 250,357.73

Total payment due from P. P. and L. Co.
on or before October 31, 1954 if this
proposal is adopted \$283,957.73

Should you wish to discuss this proposal with us we will be
glad to meet with you at St. Ignatius at your convenience. Mr. Dibble
is here now and probably will be available until Friday, September 10,
when he should leave at least in time to catch the east bound afternoon
train at Missoula. We would like to have him sit in at the conference.
Will you kindly let us know what you plan so that we can make arrange-
ments here.

Sincerely yours,

E. L. Becker
Project Engineer

cc Billings Area Office, Billings, Montana.
M. Ebbe, Division Manager, Pacific Power & Light Co., Kalispell, Mont.

In the United States Court of Claims

No. 50233

(Decided October 13, 1972)

THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION, MONTANA v. THE UNITED STATES

Richard A. Baenen for plaintiff; *Glen A. Wilkinson*, attorney of record. *Wilkinson, Cragun & Barker* and *Charles H. Gibbs, Jr.*, of counsel.

Edward J. Grenier, Jr. for Amici Curiae, The Flathead, Mission, and Jocko Valley Irrigation Districts. *Frank J. Martin, Jr.* and *Sutherland, Asbill & Brennan*, of counsel.

John D. Sullivan, with whom was *Assistant Attorney General Kent Frizzell*, for defendant.

Before COWEN, Chief Judge, DAVIS, SKELTON, NICHOLS and KUNZIG, Judges.

OPINION

PER CURIAM: This is the third time the claim set forth in paragraph 13 of plaintiffs' multi-claim petition has come before us. In *Confederated Salish and Kootenai Tribes v. United States*, 181 Ct. Cl. 739 (1967), we held that a proper claim had been stated on the pleadings. In *Confederated Salish and Kootenai Tribes v. United States*, 189 Ct. Cl. 319, 417 F. 2d 1340 (1969), after a trial, we returned the case for a full new trial, and set forth in our opinion what plaintiffs would have to show in order to recover. The second trial was had before Trial Commissioner Harry E. Wood who has filed a report recommending that the claim be dismissed as un-

MONTANA RECLAMATION ASSOCIATION

Proceedings
of the
Third Annual Meeting

Held at
The Florence Hotel
Missoula, Montana

December 9, 10, 11, 1945

This Association is organized to plan,
promote, and consummate a comprehensive
system of land and water development
and utilization for the entire State
of Montana.

C
O
P
Y

MOUNTAIN STATES POWER COMPANY

Attn: E. L. Decker

Page 2
February 10, 1954
P. O. Box 472
Albany, Oregon

A graphic representation of our contract is February 10, 1954
\$11,900 in the period June 1, 1953 to July 1, 1957. Our reserved power
that we do not expect to need, and that you are, by the same contract,
Mr. E. L. Decker have available along with lines and equipment to carry on.
Project Engineer necessarily serve, but make the statement to point up the
Office of Indian Affairs all the facts and circumstances under which we were
St. Ignace, Montana. contract with Bonneville, or think we should work out
a fair compromise.

Dear Mr. Decker:

I have a copy of your proposed supplemental agreement dated
Please refer to my letter of May 27, 1953 and subsequent conferences
relating to our request to cancel our contract. I-Ind. 18753, including our
discussions in Portland in which Mr. Dibble suggested a reduction of \$33,957
from the remaining reserved power charges as a basis of settlement.

The Secretary of Interior did issue recommendation to the
We believe there are a number of other factors to consider in a
termination settlement, and assume you are generally familiar with the details
of the situation up to the present.

In review of the above circumstances, I have concluded
Our mutual power problems started with the decision of the
Department of Interior, in August 1952, to offer to cancel your contract
with the Flathead Electric Cooperative and allow them to contract with
Bonneville for their power supply at costs less than half your rates. This
action was followed by substantial retail rate reductions to a portion of the
retail electric consumers in the Northern Flathead Valley. Retail rates had
previously been comparable. The inescapable result was public pressure on
us, as the major power distributor in that area, to provide low cost Bonneville
power to our customers or be faced with competition from some public agency
which could secure its power from Bonneville at low cost and under the
preference provisions of the Bonneville Act. We feel that there was substantial
grounds for this sentiment from our customers in view of the recent completion
of the Hungry Horse power plant and reservation of power for use in Montana
in the Act authorizing its construction.

We calculate the above directive, applied to our case, should result
To meet this situation, we negotiated with Bonneville for a firm
supply of power for our load, allocated from the power reserved to Montana,
and are now purchasing our requirements (above our own generation) from them.
This was possible because of your cooperation in agreeing that our existing
contract did not commit us to purchase energy from you. We have reduced
our rates by an amount more than double the estimated savings we will have by
purchasing our requirements from Bonneville and are paying you the contract
reserved power charges.

your agency and the irrigation districts should recognize the inequity
of the situation that originated in the Department of Interior and join
us in developing a mutually satisfactory settlement agreement.

Mr. E. L. Decker

A possible construction of our contract is a liability of \$415,900 in the period June 1, 1953 to July 1, 1957, for reserved power that we do not expect to need, and that you are, by the same contract, committed to keep available along with lines and equipment to serve us. We do not necessarily agree, but make the statement to point up the problem. In view of all the facts and circumstances under which we were required to make a contract with Bonneville, we think we should work out a fair compromise.

As we understood it, termination of our contract for delivery through your We have a copy of your proposed supplemental agreement (draft of 12/24/52) to terminate the similar arrangement with the Flathead Electric Cooperative, Inc. This contract contains a memorandum from the Secretary of Interior as follows:

"The Secretary of Interior did issue memorandum to the Commissioner of the Bureau of Indian Affairs on August 29, 1952, which stated in part: 1. 1953, our billing demands

in review of the above circumstances, I have concluded that it would be to the best interest of the Department to cancel your contract with the Flathead Electric Cooperative as soon as reasonably possible. You are therefore requested to offer to cancel the contract at an early date provided the Cooperative will agree to pay you each month during the eleven months following discontinuance of service to the Co-operative an amount equal to the effect of any ratchet resulting from service to it. This amount for each month will be the difference between the actual bill of the Montana Power Company and the amount of the bill for the same month computed after eliminating service to the Co-operative the preceding eleven months". We calculate the above directive, applied to our case, would result in the settlement of the total reserved power charges from June 1, 1953 to July 1, 1957 for the sum of \$58,155, amount and in excess of ratchet costs because of actual loads up to June 1, 1953.

It is our feeling that other factors than the cost of demand ratchet charges to you by Montana Power should be considered in the termination of a contract entered into in good faith by both parties. We are conscious of the contractual relationship between your agency and the irrigation districts in the lower Flathead Valley but feel that both your agency and the irrigation districts should recognize the inequity of the situation that originated in the Department of Interior and join us in developing a mutually satisfactory settlement agreement, its removal or not for other projects. We have estimated the value, to you, of relief from obligation to deliver at the Lost Shore point of delivery at \$4,000.

Our ideas of a settlement are that from the total reserved power charges provided for from June 1, 1953 to July 1, 1957, there should be deducted amounts, known or estimated from the best sources available, that your costs will, or could be, reduced by contract termination and also amounts of gross profit by which our business has exceeded that contemplated at the time the contract was originally executed. These items are detailed as follows:

Wheeling Charges

As we understand it, termination of our contract for delivery through Bonneville's Kalispell substation could relieve you of any reason to pay wheeling charges to Bonneville. We are advised this amounts to \$1,386 per month. Estimate a total amount of \$44,352 for the 32 months from say March 1, 1954 to July 1, 1957.

Demand Profits in Excess of Contract

In the period July 1, 1947 to June 1, 1953, our billing demands were less than the amount of reserved power in 23 months and exceeded the amount of reserved power in 43 months. We have calculated your billings for demand from Montana, including ratchet prior to 7-1-47, and our actual payments for demand. We have also calculated your billings from Montana (including ratchet) and our payments, had our demands been the amounts of reserved power. We find that your profits for demand, as actually used and billed, exceed the amount they would have been, had our actual demands been the amount of reserved power, by \$29,329.

Possible Future Demand and Ratchet Costs

It is our understanding that, as of now, we would be within our contractual rights to impose demands on your system up to the amount of the reserve power commitment and if we should do so, there would be no additional charge by you, except for the actual energy taken. Should we impose demands for a short period, energy charges would be negligible. Our calculations indicate we could impose additional costs of \$225,900 at \$.50 per kilowatt month after application of the ratchet with Montana but not computing what effect your other loads might have on this amount and in excess of ratchet costs because of actual loads up to June 1, 1953.

East Shore Point of Delivery

The contract now provides that you be able to deliver an amount of power, subject to the capacity of the facilities, at the northern boundary of the reservation on the east shore of Flathead Lake at 33 KV. Relief from this obligation to deliver at this point will eliminate your continued maintenance and operating costs on your 33 KV circuit and would permit either its removal or use for other purposes. We have estimated the value, to you, of relief from obligation to deliver at the East Shore point of delivery at \$4,000.

Mr. E. L. Decker

Page 4
February 10, 1954

General

The termination of the contract now should reduce general operating costs of the project. The use of cash now is valuable to you. We would propose a settlement of \$100 per month for this item or an estimated amount of \$3,200.

Summary

Total reserved power charges 6-1-53 to
6-30-57 (partially paid) \$ 415,900.00

Proposed Deductions

Wheeling Charges \$ 44,552.00

Demand Payments above Reserved
Power 29,329.00

Possible future demand costs
including ratchet costs 225,900.00

East Shore point of delivery 4,000.00

General 3,200.00

Total 366,781.00

Balance \$ 109,119.00

In accordance with the above outline, we hereby propose a cash payment settlement of \$109,119 to terminate our contract as of June 1, 1953.

We are fully aware that this offer is in excess of the amount we would pay on the formula setup for the Flathead Electric Cooperative but that the situation merits this type of proposal rather than to insist on a settlement based on our paying only that amount of your demand ratchet charges from your supplier.

Your reaction to this proposal at an early date will be appreciated.

Yours very truly,

(Sgd) A. W. Trimble
A. W. Trimble
President

AWT/LWE/mm
cc: Paul L. Fickinger
L. W. Edwards

437 F2d 458 Confederated Salish and Kootenai Tribes of Flathead Reservation Montana v. United States

Tribes
v. S

437 F2d 458 Confederated Salish and Kootenai Tribes of Flathead Reservation Montana v. United States

437 F.2d 458

The CONFEDERATED SALISH AND KOOTENAI TRIBES OF the FLATHEAD RESERVATION, MONTANA
v.
The UNITED STATES.

No. 50233.

United States Court of Claims.

January 22, 1971.

As Amended April 23, 1971.

Richard A. Baenen, Washington, D. C., for plaintiff; Glen A. Wilkinson, Washington, D. C., attorney of record.
Charles H. Gibbs, Charleston, S. C., and Wilkinson, Cragun & Barker, Washington, D. C., of counsel.

John D. Sullivan, Washington, D. C., with whom was Asst. Atty. Gen. Shiro Kashiwa, for defendant.

Before COWEN, Chief Judge, and LARAMORE, DURFEE, DAVIS, COLLINS, SKELTON and NICHOLS,
Judges.

OPINION

PER CURIAM:

1

This is still another phase of the many-sided suit brought by the Confederated Salish and Kootenai Tribes under the special jurisdictional Act of July 30, 1946, 60 Stat. 715. This particular claim, under paragraph 10 of the petition, has resulted in an opinion and findings by Trial Commissioner Harry E. Wood in which he recommends that the plaintiffs be held entitled to recover 6,066,668.78 plus interest from January 1, 1912. The facts and background, and the reasons for the commissioner's ultimate recommendation, are set forth in his opinion and findings which are annexed hereto. The Government has excepted to most of the conclusions in the opinion. The plaintiff has excepted only to the commissioner's choice of the interest rate from 1960 forward. The case has been submitted to the court on oral argument and briefs.

2

The court agrees with the trial commissioner's recommended conclusion of law and with his findings of fact which are adopted. The court also agrees with, and adopts, his opinion, except for Part IV(d) thereof (entitled "The Lands Patented to Settlers").

3

With regard to the lands discussed in that portion of the commissioner's opinion, we are of the view that the defendant did take those lands by eminent domain, but that that conclusion is sufficiently grounded on the fact that Congress provided, in authorizing the disposition of the tribal lands to homesteaders, that the proceeds could be used for the benefit of non-Indians, *i. e.* through the irrigation project which was beneficial to white settlers as well as Indians. See Findings 12(b) and 12 (c). We agree with the trial commissioner that such diversion to others of the proceeds of the Indians' land was inconsistent with a good faith effort to give the Indians the full money value of their land, and that under the principles of *Three Affiliated Tribes of Fort Berthold Reservation v. United States*, 390 F.2d 686, 182 Ct.Cl. 543 (1968), an eminent domain taking necessarily resulted.¹ In this respect, the present case differs materially from *Klamath and Moadoc Tribes v. United States*, Ct.Cl., and *Anderson v. United States*, Ct.Cl., 436 F.2d 1008, in which we are today deciding that constitutional takings did not follow from the disposition of those tribal lands to third parties because the United States made a good faith effort to obtain full value for those Indians.

4

This single ground (diversion of substantial proceeds for the benefit of non-Indians) being enough to sustain the holding of a taking in the present case, we have no occasion either to agree or to disagree with the other reasons the trial commissioner gives (in addition) for reaching that conclusion on the lands disposed of to settlers, and therefore neither adopt nor reject that portion of his opinion.

5

Plaintiffs' exception with respect to the computation of interest is rejected. Their argument is that the rate of interest used as a measure of just compensation should be revised to the level of 6% for the period from January 1, 1960 until payment (the commissioner used 4% from January 1, 1934, 5% before that date). In support of this position, plaintiffs set forth in their brief to the court various statistics and charts, of which it is said we can take judicial notice, as well as legal arguments. Though the claim for 6% interest from 1960 was made to the commissioner, he was not presented with these statistical materials now offered to the judges, nor was any testimony or other comparable evidence proffered to sustain the claim. We think that an issue of this character should have been threshed out at the trial, where both sides could have introduced evidence (and possibly expert testimony, subject to cross-examination) and an adequate record made for the court's guidance — and not, as here, left largely to the present stage of review by the court via an insufficient presentation through briefs and oral argument. In these circumstances, we decline to consider in this case the contention that the interest rate should be 6% from January 1, 1960, and therefore adopt the commissioner's use of the traditional 4% for that time-span.

6

For these reasons, and on these grounds, the court concludes that plaintiffs are entitled to recover \$6,066,668.78, plus interest thereon at the rate of 5 percent per annum from January 1, 1912 to January 1, 1934, and at the rate of 4 percent per annum thereafter until paid.

OPINION OF COMMISSIONER

7

(Re: Paragraph 10 of the Petition)

Notes:

1

That Congress, much later, paid back the Indians for the amount so diverted does not alter this conclusion.

WOOD, Commissioner:

8

In this claim, one of several brought under a special jurisdictional act,¹ plaintiffs allege that by the Act of April 23, 1904, 33 Stat. 302, defendant "opened" the Flathead Indian Reservation in breach of the Treaty of Hell Gate, July 16, 1855, 12 Stat. 975,² and without plaintiffs' consent. Plaintiffs further allege that they thereby "became entitled to just compensation under the Fifth Amendment * * * for the lands disposed of pursuant to the statute."

9

* By the Treaty of Hell Gate plaintiffs ceded to defendant a vast area of land, theretofore held under aboriginal title, located within what are now the States of Montana and Idaho. Article II of the Treaty reserved from the cession a tract of some 1,245,000 acres in northwestern Montana for the "exclusive use and benefit [of plaintiffs] as an Indian reservation." The reserved tract became known as the Flathead Indian Reservation.

10

In 1896, pursuant to Congressional authorization, a commission was appointed to negotiate with plaintiffs (and other Tribes) for the cession of portions of their respective Reservations. The work of the commission was continued from year to year until June 30, 1901, and during this period efforts were made to secure agreements with plaintiffs for the cession of portions of the Flathead Indian Reservation. The efforts failed.

11

Shortly thereafter, the Act of April 23, 1904, *supra*, providing for "the survey and allotment of lands now embraced within * * * the Flathead Indian Reservation * * * and the sale and disposal of all surplus lands after allotment",³ was passed. Pursuant to the 1904 Act, and related legislation,⁴ defendant opened the Reservation to settlement and entry; "hereby granted" two Sections of each Township to the State of Montana for school purposes; granted certain lands to eleemosynary institutions; and reserved lands for a National Bison Range and other federal purposes.

12

Pursuant to the 1904 Act, some 404,047.33 acres of plaintiffs' land were patented to settlers; some 60,843.04 acres of such land were granted to the State of Montana for school purposes; some 18,523.85 acres of such land were reserved by defendant for the National Bison Range; and some 1,757.09 acres of such land were reserved by defendant without appraisal for other purposes (churches and schools, subagency reserve, railroad selections, and state selection, the latter apparently for biological station purposes); the total acreage so disposed of, in 4,834 parcels, was 485,171.31 acres.⁵

13

The 4,834 parcels here in suit (Finding 21) were "entered" as early as 1903 and at least as late as 1932. By stipulation filed with the court on September 30, 1966, however, the parties agreed that: "For purposes of determining the fair market value of all of the lands made the subject of plaintiff's claim in Paragraph 10 * * * the critical date of valuation shall be January 1, 1912." This stipulation, entered into "so that the subject lands may be appraised and valued as of a single date, * * * shall serve to determine and fix the critical date of valuation of all lands sued upon in this case * * *." *Cf. United States v. Southern Ute Tribe or Band of Indians*, 423 F.2d 346, 361, 191 Ct.Cl. 1, 28, cert. granted, 400 U.S. 915, 91 S.Ct. 173, 27 L.Ed.2d 154 (1970).^{**}

14

At trial held July 15, 16, 17, and 18, 1968, in Washington, D.C., both plaintiffs and defendant presented extensive expert testimony as to the fair market value of the "subject lands"⁶ on January 1, 1912. Plaintiffs' appraiser analyzed sales of land within the Reservation itself during the period 1910-1916. Defendant's

appraiser studied sales of land on and surrounding the Reservation during the period 1906-1916; he subsequently concluded, however, that 1909-1916 Reservation sales data, "tempered to reflect my opinion of value", afforded the truest and most reliable evidence of value.

15

At the conclusion of the July 1968 trial, the parties narrowed the valuation problem by stipulating, in open court, that "the total value of the subject tracts on January 1, 1912 if no adjustment for improvements was made to the market data relied on [hereinafter "the stipulated value"] would be \$8,910,000."⁷ Since, however, the "market data relied on" by both appraisers did include at least some element of value due to "improvements", the parties agree that in order to arrive at the fair market value of plaintiffs' lands, unimproved, on January 1, 1912 (hereinafter "fair market value"), a downward adjustment of the stipulated value is necessary.

16

Following the July 1968 trial, the case was briefed in two stages: first, requested findings of fact and briefs on the issue of value were filed. Thereafter, the parties were requested to, and did, file supplemental requested findings of fact and briefs on the issue whether or not there was a Fifth Amendment taking of any or all of plaintiffs' lands disposed of pursuant to the 1904 Acts.⁸ There has also been helpful oral argument on the issue of taking, at the request of the commissioner.

17

Plaintiffs contend that all of their lands disposed of pursuant to the 1904 Act were taken, within the meaning of the Fifth Amendment, and that they are therefore entitled to just compensation as traditionally measured. They propose to convert the stipulated value (\$8,910,000) into fair market value by a downward adjustment of 10 percent (\$891,000). Plaintiffs thus seek to recover the net difference between these two sums (\$8,019,000), less the \$1,343,331.22 credited or paid to them as a result of the loss of their lands,⁹ or \$6,675,668.78 plus interest thereon, not as interest but as a part of just compensation, from the "date of taking."¹⁰

18

Defendant, denying any taking, argues that the stipulated value exceeds fair market value by much more than 10 percent. Its proposed downward adjustment for "improvements" is slightly more than \$3,000,000, and its proposed fair market value is \$5,844,410.¹¹ Thus, defendant asserts, plaintiffs are entitled to recover only \$4,501,078.78 (\$5,844,410 less the \$1,343,331.22 previously "paid" to plaintiffs), "without interest."¹²

19

The principal issues are, therefore, the appropriate reduction of the stipulated value of plaintiffs' lands disposed of pursuant to the 1904 Act to convert that "value" into the fair market value of such lands; and, whether such lands were taken, in whole or in part, within the meaning of the Fifth Amendment.

II

20

One preliminary argument requires consideration. While defendant urges that the issue of consent is immaterial,¹³ it contends, and plaintiffs deny, that by Article VI of the Treaty of Hell Gate, *supra*, plaintiffs consented to the opening of the Flathead Reservation and the disposition of unallotted tribal lands.

21

Article VI (Finding 2(c)) provided in substance that the President might cause part or all of the Reservation to be surveyed into lots, and to assign "the same" to such members or families of the Tribes "*as are willing to avail themselves of the privilege*, and will locate on the same as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable."¹⁴ (Emphasis supplied).

Defendant's argument that there was, in 1855, an agreement to a subsequent diminution of the Flathead Indian Reservation, by the sale of "surplus lands", has no merit. An equivocal allusion, in Article VI of the Treaty of Hell Gate, to the Treaty with the Omahas could scarcely have been understood to, and does not, negate the express provisions of Article II, providing that a Reservation be set apart, surveyed and marked out for the exclusive use and benefit of plaintiffs, with the white man allowed to reside thereon only by permission of the Indians. See *Squire v. Capoeman*, 351 U.S. 1, 6-7, 76 S.Ct. 611, 100 L.Ed. 883 (1956); *Choctaw Nation of Indians v. United States*, 318 U.S. 423, 432, 63 S.Ct. 672, 87 L.Ed. 877 (1943); *United States v. Shoshone Tribe*, 304 U.S. 111, 116, 58 S.Ct. 794, 82 L.Ed. 1213 (1938).

Article VI of the Treaty of Hell Gate, even considered alone, reflects no agreement for, or intent to authorize, the sale of "surplus lands". Cf. *Citizen Band of Potawatomi Indians of Oklahoma v. United States*, 391 F.2d 614, 179 Ct.Cl. 473 (1967), cert. denied, 389 U.S. 1046, 88 S.Ct. 771, 19 L.Ed.2d 839 (1968); Finding 17. Subsequent disposition of a portion of plaintiffs' Reservation is not even hinted at. It is clear that plaintiffs did not consent to the opening of the Reservation and the sale of surplus lands in 1855, nor, for that matter, at any time thereafter. Finding 4(c).

While there is accord concerning the stipulated value of the "subject lands" there are disparate approaches to the problem of converting the stipulated value into fair market value and there is great divergence over what is such fair market value. Section I, *supra*.

Prior to agreeing upon the stipulated value, both plaintiffs and defendant presented extensive valuation evidence. Both plaintiffs' appraiser and defendant's appraiser were eminently qualified. Both recognized that determination of fair market value was exceedingly difficult. Not surprisingly, especially in view of the inadequate data available and the fundamental nature of the inquiry involved (Findings 26, 31(a)), there was "widely divergent opinion testimony * * *" as to fair market value. *United States v. Northern Paiute Nation*, 183 Ct.Cl. 321, 346, 393 F.2d 786, 800 (1968).

Plaintiffs, relying primarily upon 1910 Census data, contend that fair market value is 10 percent below the stipulated value. The testimony and approach of plaintiffs' appraiser on which this contention rests, are set forth in Findings 26-29, and not repeated here. As the Findings reflect, his opinion of fair market value is neither persuasive nor reasonable.15

Defendant's appraiser used a different approach, detailed in Findings 30-32. After first arriving at an opinion as to January 1, 1912, value,16 from sales studied, of the "subject tracts" by class (*i. e.*, agricultural, grazing, timber, villas, and townsites), he then concluded in substance that he should "knock off" 50 percent of the value of the agricultural lands, and 25 percent of the value of the grazing lands, to arrive at fair market value. Findings 30, 31. In dollars, his opinion was that the value of the "subject tracts" as of January 1, 1912, some \$8,952,000, should be reduced by \$3,052,000, to eliminate from the larger figure the element of "improvements". Thus, fair market value was, in his opinion, only \$5,900,000.

In the abstract, the approach of defendant's appraiser to the problem of eliminating from his gross value opinion the element therein attributable to improvements seems clearly preferable to plaintiffs' reliance upon Census data. But, the difficulty with the opinion of defendant's appraiser is that, on the record before the court, it too is

unpersuasive; it is plainly excessive by a considerable amount. Findings 30-32.

29

In sum, neither appraiser satisfactorily solves the problem of fair market value. Nor does the record permit any precise mathematical calculation of the extent to which the stipulated value exceeds fair market value. From a consideration of the record as a whole, including such evidence as it contains with respect to the factors enumerated in Finding 32, it is found that on January 1, 1912, the fair market value of plaintiffs' lands disposed of by the United States pursuant to the 1904 Act was \$1,500,000 less than the stipulated value of \$8,910,000 or \$7,410,000. Cf. *United States v. Northern Paiute Nation*, *supra*; *Nez Perce Tribe of Indians v. United States*, 176 Ct.Cl. 815, 824 (1966), cert. denied, 386 U.S. 984, 87 S.Ct. 1285, 18 L.Ed.2d 233 (1967); *Sac & Fox Tribe of Indians of Okl. v. United States*, 340 F.2d 368, 374, 167 Ct.Cl. 710, 721-722 (1964).

IV

30

Whether plaintiffs' lands disposed of by defendant pursuant to the 1904 Act were taken, within the meaning of the Fifth Amendment, requires focus upon the several sorts of dispositions involved.

31

(a) SCHOOL LANDS

32

In *Three Affiliated Tribes of Fort Berthold Reservation v. United States*, 390 F.2d 686, 182 Ct.Cl. 543 (1968) (hereinafter "*Three Affiliated Tribes*") the United States "purchased certain lands from the tribe, pursuant to an act of Congress, granting such lands to the State of North Dakota for school purposes * * *", paying therefor a statutory price of \$2.50 per acre. *Id.*, 390 F.2d at 688, 689, 182 Ct.Cl. at 548, 550. The court held that "a taking [of these school lands] did occur for which appellant is entitled to just compensation, including interest, subject, of course, to an offset for the amount already received." *Id.*, 390 F.2d at 694, 182 Ct.Cl. at 558.

33

By the 1904 Act, 60,843.04 acres of plaintiffs' land were "hereby granted" to the State of Montana for school purposes, at a statutory price of \$1.25 per acre. Findings 7, 21. Insofar as these school lands are concerned, the present case and *Three Affiliated Tribes* are admittedly indistinguishable.¹⁷ Accordingly, it is held that defendant took plaintiffs' lands granted to the State of Montana for school purposes.

34

(b) THE NATIONAL BISON RANGE

35

Defendant reserved to itself, from plaintiffs' "unallotted lands", some 18,523.85 acres of land for a "permanent national bison range", Congress having authorized such a reservation and appropriated \$30,000 to pay "the appraised value of said lands". Finding 15.¹⁸ The appraised value of lands so reserved was \$28,955.48, or approximately \$1.56 per acre.

36

Plaintiffs contend that they are entitled to just compensation for the lands so reserved. Defendant's Brief on the Question of Taking does not specifically meet this contention. It is clear that, in reserving to itself plaintiffs' lands, for a permanent national bison range, for "just the figure Congress wanted to pay", defendant "was exercising its power of eminent domain * * *." *Three Affiliated Tribes*, *supra*, 182 Ct. Cl. at 559; see also *United States v. Southern Ute Indians*, *supra*, 423 F.2d 346, 360-361, 191 Ct.Cl. 1, 26-28; *Sioux Tribe of Indians v. United States*, 316 U.S. 317, 326, 62 S.Ct. 1095, 86 L.Ed. 1501 (1942), and cases there cited. That plaintiffs

received some compensation is irrelevant.

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(c) OTHER LANDS IN SUIT

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Pursuant to Section 12 of the 1904 Act, defendant reserved 1,757.09 acres of plaintiffs' land for various public, charitable, and other purposes. Findings 15, 21. Defendant does not dispute that, under *Three Affiliated Tribes*, "a Fifth Amendment taking is established" as to this acreage.¹⁹ It is so held.

39

(d) THE LANDS PATENTED TO SETTLERS

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The 1904 Act required that allotments be made to all members of the Tribes. It also required, after completion of the allotment process, that a five-man commission be appointed to classify plaintiffs' unallotted lands as agricultural land of the first class, agricultural land of the second class, grazing land, timber land, and mineral land, and to appraise the lands so classified (excepting mineral lands), by "the smallest legal subdivisions of forty acres each * * *." Lands classified as agricultural and grazing were then to be opened to settlement and entry, at appraised prices.

41

The allotment process was completed during fiscal year 1908. Allotments were made to some 2,390 Indians. Those allotted lands classified as agricultural received an allotment of 80 acres, and those allotted lands classified as grazing received an allotment of 160 acres. Plaintiffs' remaining lands were then classified and appraised by the commission,²⁰ and the lands classified as agricultural and grazing were, in 1910, opened to settlement and entry at appraised prices.²¹

42

In *Three Affiliated Tribes*, where Indian lands were entered by white settlers under appraised values, the court held that there was no taking, within the meaning of the Fifth Amendment, but, on the facts of that case, simply an exercise of defendant's "plenary" power to control and manage Indian property in good faith for the welfare and betterment of the Tribes.

43

While defendant takes some issue with *Three Affiliated Tribes* in other respects (Sections IV(a), (c), *supra*), it argues that the conclusion there that tribal lands patented to settlers were not taken governs here. Defendant "can conceive of no clearer similarity than the two cases", dismissing as "distinctions without a difference" claimed dissimilarities between the two.²² Plaintiffs contend that, under *Three Affiliated Tribes*, and other authorities, *their* lands disposed of to white settlers were taken. They also contend, alternatively, that the court erred "in holding that tribal lands taken through homestead entry were not taken in violation of the Fifth Amendment * * *," but that this alternative contention need not be reached.²³

44

Plaintiffs' alternative contention can be, and is, pretermitted. For, as plaintiffs assert, the facts and circumstances of this case require a holding that plaintiffs' lands patented to settlers were taken. *Three Affiliated Tribes, supra*; *United States v. Southern Ute Tribe or Band of Indians, supra*, 423 F.2d at 360-361, 191 Ct.Cl. at 26-28.

45

Three Affiliated Tribes came before the court on appeal from an interlocutory order, findings of fact, and opinion of the Indian Claims Commission,²⁴ without any exception to "the voluminous and well-detailed findings of the Commission." Brief for Appellant, Appeal No. 2-66, p. 2, note 1.

46

The record in that case reflected that members of the Three Affiliated Tribes had been allotted lands pursuant to an 1886 agreement; each member of the Tribes was ultimately authorized a minimum allotment of 80 acres. Commission Findings 7, 8, 11.²⁵ Unallotted tribal lands were held as a Reservation. Commission Findings 7, 8.

47

In 1909, a bill calling for the sale and disposition of the "surplus and unallotted" tribal lands was introduced in the House of Representatives. The Indians thereupon protested. Their protests did not go unnoticed. Commission Findings 12-14. Among other things, Congress decided that members of the Tribes should receive allotments (160 acres of agricultural, or 320 acres of grazing, lands) in addition to any allotment "heretofore made or which may be made under existing law", and prescribed generally the location of such allotments. Commission Finding 14; Act of June 1, 1910, 36 Stat. 455 et seq. Power and reservoir sites, and coal and other mineral lands, were specifically reserved.²⁶ Commission Finding 14. Congress also made detailed provisions (quite similar to those contained in the 1904 Act) for determining the "appraised price" at which the tribal lands would be made available to homesteaders. *Ibid.*

48

All of the foregoing "provisions were incorporated into the bill in an effort to meet the more serious objections of the Fort Berthold Indians * * *." *Ibid.* The tribal lands were then classified, appraised, and "sold", in several separate land offerings, with all of the net proceeds from the sales paid into the Treasury to the credit of the Tribes.

49

Scrutiny of the Act of June 1, 1910, *supra*, pursuant to which the Fort Berthold Indian Reservation was opened to white settlement and entry, and the decisions of the Commission and the court in *Three Affiliated Tribes*, reveal still other considerations of interest here.

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First, *Three Affiliated Tribes* was decided abstractly, in the sense that neither the Indian Claims Commission nor the court had before it any evidence whatever of fair market value. See 16 Ind.Cl.Comm. 341, 372-73. The Commission said as much at one point: in further proceedings, "the ultimate issue will be whether or not in disposing of petitioner's surplus reservation land [sic] by opening them up for sale and entry to homesteaders, the United States did obtain for the benefit of petitioner tribes compensation for said lands comparable with their then fair market value * * *." *Ibid.*

51

Second, in addition to the provisions noted above, the 1910 Act required that surplus, unallotted and unreserved lands be classified and appraised in 160-acre tracts. The preservation of "the ruins of the Old Fort Berthold Indian village and the Indian burial grounds adjacent thereto" was guaranteed, and a tribal farm of 640 acres for the benefit of members of the Tribes authorized. Cancellation of an entry in the event of failure of an entryman to make payments when due, with the payments made to be forfeited and the land to be "again subject to entry * * * at the appraised price thereof", and reappraisal of lands "undisposed of" within four years after entry, were required. All timber lands were reserved as a tribal forest. The net proceeds of sale of tribal lands were to draw interest at the rate of 3 percent per annum. And, the net proceeds were not authorized to be expended for the benefit of others.²⁷

52

With the Commission's findings and opinion and the 1910 Act before it, the court discussed at some length both

defendant's plenary power to control and manage the property and affairs of Indians for their benefit and defendant's exercise of the power to take Indians' property, within the meaning of the Fifth Amendment to the Constitution. It was concluded that (*Three Affiliated Tribes, supra*, 390 F.2d at 691, 693-694, 182 Ct.Cl. at 553, 557):

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Where Congress makes a good faith effort to give the Indians the full value of the land and thus merely transmutes the property from land to money, there is no taking. This is a mere substitution of assets or change of form and is a traditional function of a trustee * * *

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* * * it is the good faith effort on the part of Congress to give the Indians the full value of their land that identifies the exercise by Congress of its plenary authority to manage the property of its Indian wards for their benefit. Without that effort, Congress would be exercising its power of eminent domain by giving or selling Indian land to others, by dealing with it as its own, or by any other act constituting a taking.

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* * * * *

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* * * The facts of this case establish that Congress was not taking Indian land and giving it to the settlers, but was making a good faith effort to transmute Indian property from land to money by giving the Indians the full money value of the land.

58

As the quoted language of the court reflects, the nub of the holding in *Three Affiliated Tribes*, insofar as homestead lands are concerned, is that, *on the facts of that case*, Congress had acted under its plenary power and in its fiduciary capacity as trustee for its Indian wards, in good faith and "for the good of the tribe",²⁸ merely to transmute tribal property from one form (lands) to another (money). Cf. *United States v. Southern Ute Tribe or Band of Indians, supra*, 423 F.2d at 360, 191 Ct.Cl. at 26.

59

There can be, and is, no doubt that the United States has broad "power to control and manage the property and affairs of its Indian wards in good faith for their welfare." *Chippewa Indians of Minnesota v. United States*, 301 U.S. 358, 375-376, 57 S.Ct. 826, 833, 81 L.Ed. 1156 (1937); see also *Shoshone Tribe of Indians of Wind River Reservation in Wyoming v. United States*, 299 U.S. 476, 498, 57 S.Ct. 244, 81 L.Ed. 360 (1937); *Three Affiliated Tribes, supra*, 390 F.2d at 690-693, 182 Ct.Cl. at 552-557.

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This power may be exerted in many ways, and even in derogation of treaty provisions, but it is, nonetheless, not absolute. It is plainly subject to constitutional limitations, and it does not extend so far as to enable the United States, without rendering (or assuming an obligation to render) just compensation therefor, to appropriate tribal lands to its own purposes or use, or to hand them over to others, for that would be, not an exercise of guardianship, but an act of confiscation. *United States v. Klamath and Moadoc Indians*, 304 U.S. 119, 123, 58 S.Ct. 799, 82 L.Ed. 1219 (1938); *Chippewa Indians, etc. v. United States, supra*; *Shoshone Tribe, etc. v. United States, supra*, 299 U.S. at 496-497, 57 S.Ct. 244; *Three Affiliated Tribes, supra*, 390 F.2d at 693, 694-695, 182 Ct.Cl. at 555-557, 559-560.

Plaintiffs' Reservation was opened to white settlement and entry in breach of treaty, and without the consent of the Tribes. Granting, as plaintiffs do, the power of the United States so to act, the crucial issue is whether defendant thereby engaged in "an exercise of guardianship or management," for the good of the Tribes, or "an act of confiscation" constitutionally requiring that it pay just compensation. *United States v. Shoshone Tribe, supra*, 304 U.S. at 115-116, 58 S.Ct. 794, 82 L.Ed. 1213; *Shoshone Tribe, etc. v. United States, supra*, 299 U.S. at 497, 57 S.Ct. 244; *United States v. Creek Nation, 295 U.S. 103*, 55 S.Ct. 681, 79 L.Ed. 1331 (1935).

The facts of this case indicate that in disposing of plaintiffs' lands to settlers, defendant dealt with plaintiffs' property as if it were its own, subordinated the good of the Tribes to other considerations, and took the said lands in the constitutional sense. *Three Affiliated Tribes, supra*, 390 F.2d at 693, 695, 697-698, 182 Ct.Cl. at 557, 559, 563-564; *United States v. Klamath and Moadoc Indians, supra*; *United States v. Shoshone Tribe, supra*; *United States v. Southern Ute, etc., Indians, supra*; *Shoshone Tribe v. United States, supra*. Cf. *United States v. Algoma Lumber Co., 305 U.S. 415*, 420-421, 59 S.Ct. 267, 83 L.Ed. 260 (1939).

History teaches that, as the settlement and development of the West rapidly progressed, so did demands for the acquisition of Indian lands and resources for white use. See, generally, Cohen, *Federal Indian Law*, 114-17, 129-31, 773-77 (1958 ed.). As defendant candidly put it in 1908 (Finding 17), "conditions were altogether different [in 1855] from what they are today. The lands that were given²⁹ to you [in 1855] were of small value, and the settlers were [then] few. Now, however, the people have increased in numbers, and they must have land in order to live and support their families. You and I must bow to the laws which Congress in its wisdom sees fit to enact."

Toward the end of the nineteenth century, the United States undertook to, and for a considerable period of time did, negotiate with plaintiffs for "such modification of existing treaties as may be deemed desirable by said Indians" and defendant. Act of June 10, 1896, 29 Stat. 321, 341-342. These efforts, aimed at obtaining an agreement of cession of parts of plaintiffs' Reservation, terminated in 1901, without any success. Then, by the 1904 Act, defendant simply opened plaintiffs' Reservation to white settlers, without the consent of the Tribes and in breach of treaty.³⁰

En passant, the bill which ultimately became the 1904 Act originally contained a section providing "for the consent of the Indians to the provisions of the bill before the same shall become effective"; this section was subsequently stricken, there being "no occasion for presenting the matter to the Indians for the purpose of procuring their consent thereto." S.Rep.No.1930, 58th Cong., 2d Sess. (1904).

The 1904 Act and the opening of the Reservation thereunder had various sorts of impact on defendant's wards. Of particular present relevance is that, for some 485,000 acres of tribal lands (including some 404,000 acres patented to homesteaders), plaintiffs have received approximately \$1,344,000 (including some \$1,225,000 attributable to the homestead lands).³¹ Even defendant concedes that these lands had a fair market value, on the stipulated date of valuation, of at least \$5,900,000,³² and the record establishes that, in fact, the "subject lands" had a fair market value on January 1, 1912, of \$7,410,000.

"A necessary corollary to a mere change in the form of property is that both forms have the same, or at least nearly the same, value." *Three Affiliated Tribes, supra*, 390 F.2d at 695, 182 Ct.Cl. at 560. The notion that "there can not be a constitutional taking of lands as long as the United States had paid the Indians for such

lands, regardless of the amount of the payment", has been emphatically rejected. *Three Affiliated Tribes, supra*, 390 F.2d at 695, 182 Ct.Cl. at 559. There is no real distinction "between no compensation, minimal compensation, or compensation arbitrarily determined." *Ibid.*³³ From the valuation evidence in this case, there is at the very least grave doubt as to "a good faith effort to give the Indians the full value of the land"; "a mere substitution of assets or change of form"; and the exercise, in good faith and for the welfare of the Tribes, of a "traditional function of a trustee." *Three Affiliated Tribes, supra*, 390 F.2d at 691, 182 Ct.Cl. at 553. The cited decision teaches that confiscation, and not guardianship, lies this way. *Cf. United States v. Creek Nation, supra*.

68

In determining whether the 1904 Act "dealt with [plaintiffs'] land as [defendant's] absolute property,"³⁴ it is even more significant that Congress, in authorizing the disposition of plaintiffs' tribal lands to homesteaders, also authorized the expenditure of the proceeds of those lands "for the irrigation of the irrigable lands embraced within the limits of said reservation * * *." Act of May 29, 1908, 35 Stat. 444, 450.³⁵ Indeed, the authority of the Secretary of the Interior in this respect was without demonstrable limitation. Finding 12(b). And, it is not questioned that defendant in fact did utilize the proceeds derived from plaintiffs' lands for the construction of an irrigation system of benefit to white settlers. Such action was manifestly the assertion of an unqualified power of disposal of tribal assets, and is inconsistent with a good faith effort to give the Indians the full money value of their land. *United States v. Southern Ute, etc., Indians, supra; Three Affiliated Tribes, supra.*³⁶

69

While not controlling, other considerations also suggest "confiscation", rather than guardianship or management of plaintiffs' property in good faith for their benefit. *Inter alia*, the absence of any provision for tribal reserves, particularly of timber; a transmutation of productive Reservation lands (see Findings 19-20) into money, with no provision in the 1904 Act for interest; disposition of plaintiffs' lands at appraised prices reached in 1907-1908 at an average date (as stipulated to by the parties) more than three years thereafter; and an authorization for disposition to non-Indians, without reappraisal, of all lands subject to entry not disposed of within "five years from the taking effect of this Act," seem outside the latter mold.

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Plaintiffs would additionally advance a plethora of heretofore unmentioned contentions claimed to reflect spoliation and confiscation for the benefit of whites: that the 1904 Act was designed to "bust up" the Tribes as an entity; that *all* unallotted tribal lands were to be disposed of to third parties; that under the 1904 Act members of the Tribes were forced to take allotments, and were frequently given neither advance notice of the allotment process nor a choice of selection; that Indian ranches were destroyed, large herds of livestock had to be sold, families were separated by noncontiguous allotments, and allotments neither beneficial nor capable of supporting the allottee were made; that the Tribes' "hunting and fishing paradise" was seriously damaged, and a major portion of plaintiffs' subsistence was impaired if not destroyed; that by establishing artificial classifications of land, and by requiring classification and appraisal in 40-acre subdivisions, Congress was in effect legislating an "appraised price" (and thereby taking); that delayed payment terms available to homesteaders³⁷ precluded plaintiffs from receiving even the "appraised price", much less fair market value; that, by the Act of April 12, 1910, 36 Stat. 296, 297, defendant "intentionally sought to remove from Indian ownership [allotted] lands which could be irrigated";³⁸ that members of plaintiffs received only small allotments (80 or 160 acres, depending on the nature of the land allotted), whereas the impact of the allotment scheme on members of the Three Affiliated Tribes was mitigated by larger allotments (in addition to previous allotments, 160 or 320 acres, depending on the nature of the land allotted); and that the foreseeable end of the 1904 Act was only benefit to homesteaders, not Indians.

71

Defendant does not really meet any of these contentions in its argument, simply characterizing some as exaggerated, immaterial, or "distinctions without a difference". Save to the limited extent they are treated in the Findings of Fact, they are not here reached, for detailed discussion of them is unnecessary to the proper disposition of this aspect of the litigation. *Cf. Lone Wolf v. Hitchcock, 187 U.S. 553, 567-568, 23 S.Ct. 216, 47 L.Ed. 299 (1903).*

For the reasons heretofore indicated, it is concluded that, on the facts of *this* case, Congress was not making a good faith effort to transmute Indian property from land to money by giving the Indians the full money value of the land, but took those lands disposed of by patenting to settlers, in the constitutional sense.

Plaintiffs also contend that while the "date of taking for all homestead and cash entries should be set as of January 1, 1912," in accordance with stipulation, the "date of taking [of all *other* lands in suit] is the date title was transferred."³⁹ Plaintiffs' contention has no merit.

The record does reflect fair market value as of January 1, 1912, the stipulated "critical date of valuation of *all* lands sued upon in this case" (emphasis supplied), but there is a total absence of proof of fair market value of any lands as of "the date title was transferred"⁴⁰ unless the date of transfer of title happened to be January 1, 1912. Moreover, plaintiffs' contention is patently inconsistent with their 1966 stipulation, pursuant to which an expensive and time consuming trial has been conducted. In the premises, there is no valid basis for determining the fair market value of some of the lands in suit at a different time.⁴¹

The suggestion that allowance of interest on the value of all lands taken (except lands patented to settlers) from the date title was transferred "comports" with *Three Affiliated Tribes, supra*, is specious. While the court did there hold, *inter alia*, that the proper *valuation date* for certain lands was the date on which title passed, that case did not involve any "question of selecting an average date of valuation for * * * lands taken on varying dates." 390 F.2d at 700, 182 Ct.Cl. at 568.

Having stipulated to an average date of valuation for *all* lands "to avoid burdensome detailed computation of value as of the date of disposal of each separate tract,"⁴² plaintiffs (and defendant) are bound by it. The "date of taking" of all lands in suit is January 1, 1912.

Finally, plaintiffs claim that their recovery should include interest, not as interest but as a part of just compensation, at the rate of 5 percent per annum from "the date of taking" (Section V, *supra*) to July 1, 1934; at the rate of 4 percent per annum from July 1, 1934 to May 31, 1959; and at the rate of 6 percent per annum thereafter. Recovery should include interest at the rate of 5 percent per annum from January 1, 1912 to January 1, 1934. *Uintah and White River Bands of Ute Indians v. United States*, 152 F.Supp. 953, 139 Ct.Cl. 1, 11-12 (1957), and cases there cited. From January 2, 1934, to the date of payment, recovery should include interest at the rate of 4 percent per annum.

This necessarily rejects plaintiffs' position concerning a proper rate of interest for the period June 1, 1959, to date of payment. Their precise contention is that just as a change in circumstances in 1934 justified a reduction in interest rates, circumstances "have changed again and this Court should so recognize"; that interest rates "have been up for some time"; and that Indians "can and do invest their money in Treasury notes at rates of interest as high as 6%."⁴³ Nothing in the record justifies the argument, nor, in any event, have plaintiffs proven a proper date of change in rate. On this record, the "recognition" plaintiffs seek would be improper.

Conclusion

For the lands taken by defendant, within the meaning of the Fifth Amendment, plaintiffs are entitled to recover the difference between the fair market value of the said lands as of January 1, 1912 (\$7,410,000) and the compensation therefor previously received by plaintiffs (\$1,343,331.22), or a total of \$6,066,668.78, plus interest thereon, not as interest but as a part of just compensation, at the rate of 5 percent per annum from January 1, 1912, to January 1, 1934, and at the rate of 4 percent per annum thereafter until paid.

FINDINGS OF FACT

80

The court, having considered the evidence, the report of Trial Commissioner Harry E. Wood, and the briefs and arguments of counsel, makes findings of fact as follow:

81

1. (a) This claim (Paragraph 10 of the petition, as amended) is one of several before the court pursuant to the Act of July 30, 1946, 60 Stat. 715, conferring jurisdiction upon the court "to hear, examine, adjudicate, and render judgment in any and all legal and equitable claims of whatsoever nature which the Confederated Salish and Kootenai Tribes of Indians of the Flathead Reservation of Montana, or any tribe or band thereof, may have against the United States."

82

(b) The claim in Paragraph 10, as amended, is that the Flathead Indian Reservation "was opened by defendant by the Act of April 23, 1904, 33 Stat. 302, 3 Kapp. 79, without plaintiff's consent and over its objections", and that "Thereby plaintiff tribes became entitled to just compensation under the Fifth Amendment * * * for the lands disposed of pursuant to the statute." Plaintiffs seek to recover "the difference between the value of said lands at the time disposed of and the amount paid, together with damages for the delay in making payment of the full fair-market value of said lands."

83

2. (a) By the Treaty of Hell Gate, July 16, 1855, 12 Stat. 975, the Confederated Salish and Kootenai Tribes ceded to the United States a vast area of land, located within the present borders of the States of Montana and Idaho, theretofore held by aboriginal title.

84

(b) Article II of the Treaty of Hell Gate reserved from the lands ceded a tract of some 1,245,000 acres in northwestern Montana, All which tract shall be set apart, and, so far as necessary, surveyed and marked out for the exclusive use and benefit of said confederated tribes as an Indian reservation. Nor shall any white man, excepting those in the employment of the Indian department, be permitted to reside upon the said reservation without permission of the confederated tribes, and the superintendent and agent. * * *

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The tract so reserved became known as the Flathead Indian Reservation.

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(c) Article VI of the Treaty of Hell Gate provided that the President

87

may from time to time, at his discretion, cause the whole, or such portion of such reservation as he may think proper, to be surveyed into lots, and assign the same to such individuals or families of the said confederated tribes as are willing to avail themselves of the privilege, and will locate on the same as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable.

(d) The Treaty of March 16, 1854, with the Omahas, 10 Stat. 1043, 1044, provided in part that certain lands were "reserved by the Omahas for their future home," and, in Article 6, that the President

may, from time to time, at his discretion, cause the whole or such portion of the land hereby reserved, as he may think proper, * * * to be surveyed into lots, and to assign to such Indian or Indians of said tribe as are willing to avail of the privilege, and who will locate on the same as a permanent home, if a single person over twenty-one years of age, one-eighth of a section; to each family of two, one quarter section; to each family of three and not exceeding five, one half section; to each family of six and not exceeding ten, one section; and to each family over ten in number, one quarter section for every additional five members. * * * And the residue of the land hereby reserved, * * * after all of the Indian persons or families shall have had assigned to them permanent homes, may be sold for their benefit * *.¹

3. The Flathead Indian Reservation of Montana is located in the Northern Rocky Mountains, just west of the Continental Divide. In broad terms,² the northern boundary of the Reservation (from east to west) bisects Flathead Lake, a large body of navigable water some 30 miles long (north to south) and some 20 miles wide at its greatest width (within the lower or south half of the lake and within the Reservation). The eastern boundary is formed by the Mission Range of mountains. The southern boundary is formed by the Cabinet Range of mountains which extend northwestward to their intersection with the Flathead River, at which point the Cabinet Mountains run northerly to form the western boundary of the Reservation.

4. (a) Under authority contained in the Indian Appropriation Act for the fiscal year ending June 30, 1897 (Act of June 10, 1896, 29 Stat. 321, 341-342), a commission of three persons was appointed to negotiate with, *inter alia*, the Crow and Flathead Indians in Montana for the cession of portions of their respective Reservations, with any agreement thus negotiated to be subject to ratification by Congress.³ During fiscal year 1897, one or two members of the commission made short visits to the Flathead Reservation, but did little work there, and negotiated no agreement.

(b) The work of the commission was continued from year to year until June 30, 1901. Annual Reports of the Commissioner of Indian Affairs, Department of the Interior, for the fiscal years ended June 30, 1899, and June 30, 1901, reflect efforts by the commission to secure agreements with the Indians of the Flathead Reservation in Montana for the cession of portions of their reserve, and the inability of the commission to secure any agreement with the Flatheads for such cession.

(c) There is no evidence in the record that, at any time after 1855, the Indians of the Flathead Reservation consented to the opening of the Reservation and the sale of "surplus" lands.⁴

5. By the Act of April 23, 1904, 33 Stat. 302, "An Act For the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment", Congress directed the Secretary of the Interior to "immediately cause to be surveyed" the Reservation; Section 2 of the Act provided that " * * * so soon as all of the lands * * * shall have been surveyed, the Commissioner of Indian Affairs shall cause allotments of the same to be made to all persons having tribal rights with said confederated tribes * * * and such other Indians and persons holding tribal relations as may rightfully belong on * * *" the Reservation, "under the provisions of the allotment laws of the United States."

6. (a) Section 3 of the 1904 Act provided that "upon the final completion of said allotments to said Indians, the President * * * shall appoint a commission consisting of five persons to inspect, appraise, and value all of the said lands that shall not have been allotted in severalty to said Indians, * * *", the commissioners to be two persons "now holding tribal relations with said Indians", two resident citizens of the State of Montana, and one "United States special Indian agent or Indian inspector of the Interior Department."

(b) Section 5 of the 1904 Act directed the commissioners to classify and appraise, by the smallest legal subdivisions of 40 acres each, all of the unallotted lands within the Reservation, dividing the lands to be classified and appraised into "agricultural land of the first class"; "agricultural land of the second class"; "timber lands" (lands more valuable for their timber than for any other purpose); "mineral lands";⁵ and "grazing lands".⁶

7. Section 8 of the 1904 Act provided that, after classification and appraisal of the lands, "the land shall be disposed of under the general provisions of the homestead, mineral, and town-site laws of the United States, except * * timber lands, and excepting sections sixteen and thirty-six of each township, * * * hereby granted to the State of Montana for school purposes." Section 8 also provided, in case "either of said sections or parts thereof is lost" to the State due to allotment, for the selection of other lands not occupied in lieu thereof, with the United States to pay the Indians for school lands or "lieu" lands the sum of \$1.25 per acre.

8. Section 9 of the 1904 Act, as amended by Section 15, Act of May 29, 1908, 35 Stat. 444, 448-450, provided that lands classified as agricultural and grazing "shall be opened to settlement and entry by proclamation of the President, * * *" and that the price of the said lands "shall be the appraised value thereof, as fixed by the said Commission * * *", to be paid "one-third * * * in cash at the time of entry, and the remainder in five equal annual installments, to be paid one, two, three, four, and five years, respectively, from and after the date of entry * * *." Section 9 of the 1904 Act further provided that homestead settlers might commute their entries "by paying for the land entered the price fixed by said Commission, receiving credit for payments previously made."

9. Section 11 of the 1904 Act, as amended by the Act of March 3, 1909, 35 Stat. 781, 796, provided that all merchantable timber on lands classified as timber lands should be sold and disposed of by the Secretary of the Interior for cash, under sealed bids or at public auction, and that, after the sale and removal of the timber, "such of said lands as are valuable for agricultural purposes shall be sold and disposed of by the Secretary * * * in such manner and under such regulations as he may prescribe."

10. Section 12 of the 1904 Act, as amended by the Act of March 3, 1905, 33 Stat. 1048, 1080-1081, "hereby granted" to certain eleemosynary institutions located on the Reservation 1,280 acres; "hereby granted" to the State of Montana 160 acres for biological station purposes; and authorized the President to "reserve lands * * * for * * * missionary or religious societies that may make application therefor within one year after the passage of this Act * * * [and to] reserve * * * lands * * * for the occupation and maintenance of any and all agency buildings, substations, mills, and other governmental institutions * * *."Z

11. Section 13 of the 1904 Act provided that all lands subject to entry "remaining undisposed of at the expiration of five years from the taking effect of this Act" were to be sold to the highest bidder, for cash, at not less than their appraised price.

12. (a) Section 14 of the 1904 Act provided that the proceeds of the "sale of said lands" would be paid into the Treasury of the United States and (after deduction of the expenses of the commission, of classification and sale of lands, and such other incidental expenses as might be necessarily incurred) would be expended or paid as follows: one-half for the benefit of "the said Indians * * * in the construction of irrigation ditches, the purchase of stock cattle, farming implements, or other necessary articles to aid the Indians in farming and stock raising, and in the education and civilization of said Indians, * * *" with the "remaining half to be paid to the said Indians * * * or expended on their account, as they may elect."

103

(b) By Section 15 of the Act of May 29, 1908, 35 Stat. 444, 450, Section 14 of the 1904 Act was amended to provide that the proceeds of the "sale of said lands" should be expended or paid as follows (emphasis supplied):

104

* * * So much thereof as the Secretary of the Interior may deem advisable in the construction of irrigation systems, *for the irrigation of the irrigable lands embraced within the limits of said reservation*; one half of the money remaining after the construction of said irrigation systems to be expended by the Secretary * * as he may deem advisable for the benefit of said Indians * * * and the remaining half of said money to be paid to said Indians * * * semiannually * * * share and share alike * * *.

105

(c) Shortly prior to passage of the Act of May 29, 1908, *supra*, Congress had appropriated \$50,000 for preliminary surveys, plans, and estimates of irrigating systems to irrigate both lands allotted to the Indians of the Flathead Reservation and unallotted irrigable lands to be disposed of under the Act of April 23, 1904, *supra*, "the cost of said entire work to be reimbursed from the proceeds of the sale of the lands within said reservation." Act of April 30, 1908, 35 Stat. 70, 83-84. In later acts (*e. g.*, Act of March 3, 1909, 35 Stat. 781, 795) Congress appropriated further funds for the construction of irrigation systems to irrigate both allotted and unallotted irrigable lands, with similar cost reimbursement language.

106

(d) Section 15 of the Act of May 29, 1908, *supra*, also amended Section 9 of the 1904 Act in pertinent part as follows: "the entryman or owner of any land irrigable by any system hereunder constructed under the provisions of section fourteen of this Act shall * * * be required to pay for a water right the proportionate cost of the construction of said system in not more than fifteen annual installments * * *."

107

(e) By the Act of May 18, 1916, 39 Stat. 123, 141, Congress provided that tribal funds theretofore covered into the Treasury of the United States in partial reimbursement of appropriations made for constructing an irrigation system on the Flathead Reservation "shall be placed to the credit of the tribe and be available for such expenditure for the benefit of the tribe as Congress may hereafter direct." By Section 5(a), Act of May 25, 1948, 62 Stat. 269, 272, Congress appropriated a total amount of \$64,570.56, with interest, for unreimbursed balances spent from tribal trust funds for construction costs of the irrigation system, "the balance remaining due them under the Act of May 18, 1916 * * *".

108

13. (a) Section 17 of the 1904 Act, as added by the Act of June 21, 1906, 34 Stat. 325, 354-355, provided for the reservation and setting aside for "townsite purposes" of five plots of not less than 40 acres and two plots of not less than 80 acres, such plots to be surveyed, laid out and platted into town lots, streets, alleys and parks.

109

(b) Section 23 of the 1904 Act, as added by the Act of April 12, 1910, 36 Stat. 296, provided that unallotted lands fronting on Flathead Lake within the Reservation were to be surveyed and subdivided into lots of not less

than two nor more than five acres in area, and sold to the highest bidder at public sale, subject to the right to reject all bids.

110

14. Section 24 of the 1904 Act, as added by the Act of April 12, 1910, 36 Stat. 296, 297, provided that, where allotments of lands made to "said Indians * * * within the area of said Flathead Indian Reservation * * * are or may be irrigable lands, the Secretary of the Interior may, upon application of the Indian allottee, sell and dispose of not to exceed sixty acres of such individual allotment of land * * *". While there is no specific evidence in the record as to the effect, if any, of this provision on plaintiffs, most of the irrigated lands of the Flathead Reservation have passed from the hands of Indians into those of others.⁸

111

15. By the Act of May 23, 1908, 35 Stat. 251, 267-268, Congress directed the President "to reserve and except from the unallotted lands now embraced within the Flathead Indian Reservation * * * not to exceed twelve thousand eight hundred acres of said lands * * for a permanent national bison range * * *", and appropriated \$30,000 to pay "the appraised value of said lands" determined pursuant to the Act of April 23, 1904, *supra*. The limits of the National Bison Range were subsequently enlarged so as to make the total acreage "not to exceed twenty thousand acres"; Congress directed that enough land be reserved and excepted from unallotted lands within the Reservation to enlarge such range accordingly. On June 10, 1909, the President approved a schedule reserving 18,523.85 acres for the National Bison Range. The appraised value of this land was \$28,955.48.

112

16. (a) Pursuant to Section 2 of the 1904 Act (Finding 5, *supra*), the Commissioner of Indian Affairs caused allotments to be made to "all persons having tribal rights" with plaintiffs and "such other Indians and persons holding tribal relations as may rightfully belong on" the Reservation. The allotting work was completed during fiscal year 1908. See Finding 20.

113

(b) Pursuant to Section 3 of the 1904 Act (Finding 6, *supra*), a commission of five persons was appointed to classify and appraise the unallotted lands within the Flathead Indian Reservation. The commission began work November 8, 1907, and completed classification and appraisal of the said lands on November 7, 1908. The classifications made by the commission included 40,229.22 acres of agricultural land of the first class; 75,019.78 acres of agricultural land of the second class; 336,189.15 acres of grazing land; and 59,061.71 acres containing "no merchantable timber" and being "unsuited for agriculture or grazing", of "no present market value". The latter acreage was classified as "Burned", "Barren", "Small Timber", "Rocky", etc., and appraised at a nominal value of from ten cents to \$1.00 per acre. No lands were classified as mineral. Merchantable timber of a total value of \$4,644,232 was reported. The commission appraised plaintiffs' unallotted lands as follows:

114

A. Land south and east of the Flathead River:

First class agricultural	\$7.00
Second class agricultural	3.50
Grazing	1.50

B. Land north and west of the Flathead River:

First class agricultural	\$5.00
Second class agricultural	2.50
Grazing	1.25

C. Certain exceptions:

First class agricultural	\$6.00
Second class agricultural	3.00

115

17. At least some members of plaintiffs protested (without effect) the opening of the Reservation. By letter dated August 1, 1908, in response to a petition signed by 134 Indians, "no half breed", the Acting Commissioner of Indian Affairs stated, in part, that:

116

When Governor Stevens made his treaty with the Flathead, Kootenay, and Upper Pend d'Oreille Indians on July 16, 1855, conditions were altogether different from what they are today. The lands that were given to you were of small value, and the settlers were few. Now, however, the people have increased in numbers, and they must have land in order to live and support their families. You and I must bow to the laws which Congress in its wisdom sees fit to enact.

117

On January 5, 1903, the Supreme Court of the United States, which is the highest judicial body in our country, said that —

118

The power exists to abrogate the provisions of an Indian treaty, though presumably such power will be exercised only when circumstances arise which will not only justify the government in disregarding the stipulations of the treaty, but may demand, in the interest of the country and the Indians themselves, that it should do so.

119

On April 23, 1904, Congress decided that it was for the best interests of your Indians that the land in the Flathead reservation should be allotted to them, and that all lands left over should be opened to settlement by white people upon the proclamation of the President, and that of the money received for these lands, one-half should be used for paying the expenses of the allotment and sale, for constructing irrigation ditches, for purchasing stock, stock, cattle, farming implements, and other articles which will aid you in farming and stock-raising and in the education and civilization of your people; the remaining half to be paid to all people having tribal rights on the reservation.

120

You will see, therefore, that while Congress believes that your lands should be opened so that their productive value can be utilized, it has directed that all the money received for the lands shall be used for the benefit of the Indians and has therefore taken nothing away from you.

121

This law of Congress is supreme, and you must accept that which it believes to be for your best interest. I have nothing to do with the making of law, and when Congress decides that certain things must be done, it is my duty to do them. I have therefore, under this Act, caused the lands to be surveyed and to be allotted to the Indians of the Flathead Indian reservation, and when the allotments shall have been finally completed the lands must be opened to settlement in accordance with the law.

122

In his letter of August 1, 1908, the Acting Commissioner of Indian Affairs did not allude to either the Act of April 30, 1908, *supra* (Finding 12(c)), or the Act of May 29, 1908, *supra* (Finding 12 (b)), amending the disposition of "the money received for the lands * * *."

123

18. By Presidential Proclamation dated May 22, 1909, (36 Stat. 2494) the President opened to settlement and entry, as prescribed in the Proclamation, all the non-mineral, unreserved lands classified as agricultural lands of the first class, agricultural lands of the second class, and grazing lands within the Flathead Indian Reservation. The opening of the Reservation was set for April 1, 1910, but in fact took place May 2, 1910.

124

19. (a) In a letter dated March 28, 1904, to a member of Congress, the Acting Commissioner of Indian Affairs stated that the Indians of the Flathead Reservation "are very far advanced in civilization and education. They have large herds of cattle, horses, and good, productive farms, raising great quantities of hay and wheat. Last year they raised over 1,000 tons of hay and 3,000,000 pounds of wheat * * *".

125

(b) The Annual Report of the Commissioner of Indian Affairs, Department of Interior, for the fiscal year ended June 30, 1906, reflects that "the members of the tribes entitled on that [the Flathead] reservation are generally intelligent and progressive, having fixt abodes and many improvements; * * *".

126

(c) Several aged members of the Tribes, and several other witnesses, familiar with the Flathead Indian Reservation in or around the period 1908-1910, testified in this case before the late Commissioner Richard Arens on September 14 and 15, 1965, in Missoula, Montana, about life on the Reservation prior to allotment (completed in 1908) and opening (in 1910). Their testimony indicates generally that prior to allotment and opening, members of the Tribes raised cattle and horses (and goats), with herds of horses and cattle ranging from a few to as many as 3,000 head per family. Cattle and horses ranged freely over a considerable territory within the Reservation. There was plenty of water and grass "clear up to their knees."⁹ At least some members raised hay and wheat, had an orchard, and cultivated a garden, and at least some Reservation land was fenced. The Reservation was a natural paradise for hunting and fishing. While one witness for plaintiffs testified that the range was free to everybody prior to the opening of the Reservation in 1910, there is an indication in the record that lands on the Reservation were leased by the Indians to white cattlemen prior to that time.

127

20. While the record is rather sparse in terms of what plaintiffs call the "evil effects" of the Act of April 23, 1904, *supra*, as amended, upon members of the Tribes, some broad conclusions as to the effects of the Act upon the members of the Tribes are possible.

128

Some 2,390 members of the Tribes were allotted lands by the end of fiscal year 1908 (80 acres if allotted lands classified as agricultural, and 160 acres if allotted lands classified as grazing). The allotments were involuntary, at least in the sense that whether or not the Tribes desired to maintain the Reservation as it had existed for about half a century was of no moment after enactment of the 1904 Act. Thereafter, the allotments were inevitable and in this sense "forced", but the record does not warrant the conclusion that members of the Tribes either had no advance notice of, or were deprived of a choice of selection in, the allotment process. The weight of such evidence as the record contains is to the contrary.¹⁰

129

Prior to the allotments, the Reservation consisted of approximately 1,245,000 acres. After the allotment process had been completed, approximately 1,000,000 acres remained to be "subject to entry under the homestead, mineral and townsite laws." There was thus a reduction at that time, in the acreage available to the Tribes as a whole, of approximately four-fifths of the total acreage of the Reservation.¹¹ Those members of the Tribes who maintained large herds of livestock were obviously drastically affected by the allotment process. Such herds could no longer be maintained, the allotments being too small to support them. On occasion, at least, allotments to members of the same family were not contiguous (for reasons not established by the record), and on occasion members of the Tribes were allotted lands supporting a growth of timber. It is a fair conclusion from

the record as a whole that the allotment process coupled with the coming of white settlers to the Reservation seriously affected the Tribes in terms of hunting and fishing rights, use of the open range for grazing, and the amount of land available to members of the Tribes for ranching.

130

21. On the basis of the Lee-Kenney Report, a land record study prepared jointly by two land record experts (Georgette B. Lee for plaintiffs, and John T. Kenney for defendant), plaintiffs and defendant are in agreement (with one exception noted) as to the amount and location of Reservation land disposed of by the United States pursuant to the Act of April 23, 1904, *supra*, as amended. A summary of such disposition, taken from the Lee-Kenney Report (with the exceptions indicated) is as follows:

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	No. of Parcels	No. of Acres
Land Patented to Settlers		
Homesteads-normal ¹²	2,074	150,765.40
Homesteads-cash ¹³	2,519	247,826.35
Townsites and Villas	45	5,374.86
Mineral claims	1	80.72
	404,047.33	
School Land Granted to State		
Place lands	1031	450,097.14
Lieu lands	82	10,745.90
	60,843.04	
Public, Charitable and Other Dispositions		
National Bison Range	1	18,523.85
Churches and schools	6	1,326.65
Subagency reserve	1	41.60
Railroad selections	1	228.00
State selections	1	160.84
	20,280.94	
	4,8341	5485,171.31
	=====	

132

22. A General Accounting Office Report, dated May 21, 1953, reflects receipts and disbursements by the United States, as trustee, on behalf of plaintiffs pursuant to the Act of April 23, 1904, *supra*, as amended. The parties are agreed that the 1953 Report reflects credits or payments to plaintiffs pursuant to the 1904 Act, through June 30, 1951, in the following amounts:

133

Source

Sales of land to settlers	\$1,225,199.24
School (and other) lands	1689,176.50
National Bison Range	28,955.48

Total _____ \$1,343,331.22

134

23. (a) The parties have stipulated "that for purposes of determining the fair market value of all of the lands made the subject of plaintiff's claim in Paragraph 10 * * * the critical date of valuation shall be January 1, 1912." The stipulation, " * * * entered into * * * so that the subject lands may be appraised and valued as of a single date, * * * shall serve to determine and fix the critical date of valuation of all lands sued upon in this case * * *".

135

(b) Following trial before Commissioner Arens¹⁷ July 15-18, 1968, in Washington, D. C., as to the fair market value of plaintiffs' lands disposed of by the United States pursuant to the Act of April 23, 1904, *supra*, the parties stipulated in open court "that the total value of the subject tracts on January 1, 1912 *if no adjustment for improvements was made to the market data relied on*, would be \$8,910,000."¹⁸ (Emphasis supplied).

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24. The evidence presented prior to the stipulation as to a fair market value of \$8,910,000, unadjusted for improvements, on January 1, 1912 (hereinafter at times "the stipulated value"), included detailed studies concerning the lands; an analysis of data as to contemporaneous (1910-1916) sales within the Reservation itself by plaintiffs' expert witness as to fair market value (hereafter "plaintiffs' appraiser"), and an analysis of data as to contemporaneous (1906-1916) sales of lands on and surrounding the Reservation by defendant's expert witness as to fair market value (hereafter "defendant's appraiser"). Despite differing approaches to the valuation problem, the two appraisers (both eminently qualified) reached conclusions as to fair market value from comparable sales so close as to permit agreement on the stipulated value.

137

While the parties sharply disagree as to amount, both agree that the stipulated value must be reduced to eliminate therefrom the element of "improvements". The valuation problem thus presented by the parties is the extent to which the stipulated value (\$8,910,000) should be adjusted downward to eliminate therefrom "any existing improvements involved in sales used."¹⁹

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25. Plaintiffs propose an adjustment of 10 percent of the stipulated value as a "conservative" discount factor for "improvements on the land," thus making the fair market value of the lands disposed of by the United States pursuant to the Act of April 23, 1904, *supra*, as of January 1, 1912, \$8,019,000 (\$8,910,000 less \$891,000). This proposed adjustment rests primarily upon analysis by plaintiffs' appraiser of 1910 Census data relating to farms and farm property for Flathead County, Montana.

139

26. (a) Prior to the establishment of Lake County, Montana, in 1923, a large part of the Flathead Indian Reservation was included in Flathead County, Montana.

140

(b) Plaintiffs' appraiser testified that the most reliable indication of value of "improvements on the land" would be records of the Assessor's Office, located in Kalispell, Flathead County, Montana. On endeavoring to review these records, however, he found that a year or two earlier they (and other old records) had been discarded as no longer needed, dumped into a trench, and covered with dirt. They were damaged by dirt and water, and irretrievably lost. Thus, he testified, it was impossible to get specific ratios of assessed values of improvements to land values.

141

(c) Plaintiffs' appraiser did review all "available market data on properties where improvement values were known or where statements had definitely been made that the land was unimproved," but concluded that the limited number of sales available for consideration "resulted in improvement value indications which were not conclusive because of the limited quantity of the data."

142

27. (a) The 1910 Census data on which plaintiffs' appraiser relied indicates that, in Flathead County, Montana, there were approximately 3,884,800 acres of land;20 239,445 acres of "Land in farms"; and 105,679 acres of "Improved land in farms".21 The said 1910 Census data further reflects, for Flathead County, a total value, for farm "Land", of \$9,519,600, and for farm "Buildings" of \$1,460,245; the ratio between the value of farm "Buildings" and that of farm "Land" and "Buildings" combined is 13.3 percent.

143

(b) Using the foregoing ratio of value between farm "Buildings" and farm "Land" and "Buildings", and assuming that "half of all lands sold in the Reservation during the study period were as well improved as those covered by the census * * *", plaintiffs' appraiser concluded that a maximum discount of one-half of 13.3 percent, or 6.7 percent, "would be applicable to the subject lands for any existing improvements involved in sales used." For present purposes, plaintiffs have rounded off the discount to 10 percent. See Finding 25, *supra*.

144

28. (a) Plaintiffs' appraiser defined "improvements" as including "cultivation, fencing, buildings and wells and things of that kind", but, apparently, not "roads, or access on the land." [sic].

145

(b) Defendant's appraiser included, in his definition of "improvements", roads or access.

146

(c) "Instructions and Schedules for the Census of Agriculture: 1920" indicates that the value of farm "Land" should include the value of "all buildings and improvements attached to the land", and that the value of farm "Buildings" should reflect a "fair estimate of the present value of the farm buildings * * *."

147

29. On the record before the court, the opinion of plaintiffs' appraiser as to the adjustment required to eliminate from the stipulated value "any existing improvements involved in sales used" is neither persuasive nor reasonable. Plaintiffs' appraiser admitted that his definition of "improvements" included at least buildings, cultivation, fencing, wells, and the like, and it is reasonable to conclude that a road, or access, to land added an element of value to it. His opinion as to the necessary adjustment for improvements, however, was derived from a comparison of 1910 Census data concerning the "value" of farm "Buildings" and "Land" (including *all* "improvements attached to the land", assuming 1920 Census definitions can properly be utilized in analyzing 1910 Census data) with like data concerning the "value" of "Buildings" only.22 Accordingly, the ratio thus derived from 1910 Census data affords no reliable or meaningful view of the ratio of *true* improvements to unimproved land values, and the opinion of plaintiffs' appraiser resting on that 1910 Census data and the assumption stated in Finding 27(b), *supra*, is neither reliable nor probative in determining the extent of "any existing improvements involved in sales used."

148

30. The report of defendant's appraiser23 reflects an opinion as to the "effect of improvements on raw land value" as follows:

149

Adjustment in Farm Land Value to arrive at Raw

Land Value:

Agricultural	50% of farmland
Grazing	75% of farmland
Timber	100% "
Villas	100% "
Townsites	100% "

His "Final Value of Raw Land by Land Class" was as follows:

Agricultural	125,653.54 acres	\$4,017,317.02 @50%=\$2,008,658.51
Grazing	314,065.26 acres	\$4,190,046.70 @75%=\$3,142,535.02
Timber	48,773.78 acres	\$341,416.46 @100%= \$341,416.46
Villas	4,048.35 acres	\$255,000.00 @100%= \$255,000.00
Townsites	1,112.70 acres	\$148,300.00 @100%= \$148,300.00

Total	\$5,895,909.99
	=====

150

His conclusion as to the fair market value of 4,838 parcels of land valued as "Raw Land as of January 1, 1912" (which he rounded to \$5,900,000.00) reflects a discount for "improvements" of approximately 34 percent of the stipulated value.

151

31. (a) The report and testimony of defendant's appraiser indicate that the meager available data "gives credence to the theory that land with fencing, roads, and various other types of improvements did sell for more than raw land", but that the "precise amount would be virtually impossible to calculate." He (and plaintiffs' appraiser as well) stated that the "improvements" problem was most difficult. There was in this case, he said, a "very hazy actual situation", requiring appraisal as of some fifty-five years earlier, in a "remote and undeveloped" area. In his opinion, the appraisal process could not be reduced to a "mechanical calculation": "I don't think that you can reduce this to precise figures." He testified that he could "prove this thing in four different ways"; that he could and did "prove to my satisfaction values that ranged over millions of dollars"; and that he could have "proved any one of those figures just as well as another, practically."

152

(b) In his opinion, the "truest evidence of value and the one considered most reliable is the average adjusted price of all the reliable sales found on *the reservation* from 1909-1916 * * * tempered to reflect my opinion of value * * *." (Emphasis supplied).

153

(c) On the basis of a "mass" of reading and documentation, he believed that most of the sales he had studied to arrive at an opinion as to unadjusted fair market value as of January 1, 1912, had involved land improved to a "greater or lesser degree." He also believed that substantially all of the land sales he had studied "had to have enough of improvements on [the land] to be proven up on." He gave some weight to the "fact" that the sales he had studied involved lands which "had been in private ownership for some period of time."24 His conclusion was:

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* * * So when all is said and done, what I am saying is, on the basis of what I have seen and read, I believe that most of these tracts were improved to some degree. I think a man would pay more for a 40 acre tract that had been plowed or fenced or had a cabin or barn or a well or something on it than he would pay for the virgin land. * * * I believe on the basis of all that I could find, that probably the value of the raw land was doubled when it was up for resale.

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* * * * *

156

We had evidence it seemed to show that you could well have as much as \$25 an acre in improvements in these sales * * * we came to a judgement [sic] figure that over all, taking the whole, probably half of a farm's value was the fact that it had been broken, and cultivated and had some kind of improvements on it. * * * we came to the conclusion that a piece of farm land was worth about twice as much as raw lands.

157

* * * * *

158

I came to the conclusion * * * that the sales had a value of approximately double their raw land value as agricultural lands and that as grazing worth 75 percent as much * * * lands, the raw land was probably

159

* * * * *

160

Admittedly, however, he "felt it needed courage to knock off 50 percent on the agricultural lands that I did, and 25 percent that I knocked off on the grazing lands."

161

32. (a) Defendant's appraiser indicated that most of the sales he had studied involved lands which had been improved to "some degree", or to a "greater or lesser degree," and that land might be plowed *or* fenced,²⁵ or might have a cabin, barn, *or* well on it. His utilization of an *average* discount of 50 percent for agricultural land, and 25 percent for grazing land, when considered in light of his emphasis of evidence that "seemed to show that you could well have as much as \$25 an acre in improvements in these sales * * *", reasonably justifies the conclusion that in reaching his opinion as to discount, *all* of the land sales he studied were considered as having extensive (if not maximum) improvements.²⁶ There is no evidence that all of the sales he studied involved improved lands, and there is evidence that the sales studied included lands having at most only a fence, a road, a road and fence, or other "improvements."

162

(b) At trial (and in his report) defendant's appraiser alluded to an average difference in selling price of \$25.04 per acre between "property improved with buildings and/or cultivated land" and "bare land"; of \$14.79 per acre between land with "access and fence" and bare land; of \$5.72 per acre between land with "access" and bare land; and 19 cents per acre between land with "fence" and bare land. In a memorandum re contributory value of improvements prepared and submitted by him subsequent to trial,²⁷ however, average "differences" of \$22.04, \$12.67, \$5.22, and 47 cents per acre, respectively, are shown. The small number of sales involved, and the considerable variations in price per acre²⁸ revealed by even those few sales, preclude the drawing of any accurate and meaningful conclusions from this data, but the discrepancies diminish the probative value of the opinion of defendant's appraiser. His opinion also failed to give consideration to the fact that a settler might (and many homesteaders on the Reservation did) "commute and receive his patent."

163

(c) In light of the record as a whole, it is found that the opinion of defendant's appraiser as to the adjustment required to eliminate from the stipulated value as of January 1, 1912, "any existing improvements involved in sales used" is (a) unpersuasive and (b) excessive by a considerable amount.

33. As both plaintiffs' and defendant's appraisers recognized, the discount problem is an exceedingly difficult one. Neither appraiser satisfactorily solves it. Nor does the record permit any precise mathematical calculation.²⁹ From a consideration of the record as a whole, including such evidence as it contains respecting the nature of improvements on the Reservation (and in Montana), during the period 1910-1916; the nature of plaintiffs' lands to be valued (agricultural, grazing, timber, and villas and townsites); the respective acreages of each type of land; the extent to which comparable land sales studied by the appraisers involved sales of improved lands, the element of value due to improvements in such sales, and the average length of time lands involved in such sales had been in private ownership;³⁰ it is found that the fair market value of the lands disposed of by the United States pursuant to the Act of April 23, 1904, *supra*, as of January 1, 1912, unimproved, was \$1,500,000 less than the stipulated unadjusted fair market value of \$8,910,000 or \$7,410,000.

34. (a) While the Lee-Kenney Report reflects that "entry" of plaintiffs' lands began as early as 1903 and continued to at least 1932, the record contains no evidence as to the fair market value of plaintiffs' lands at any time other than January 1, 1912, the stipulated "critical date of valuation of all lands sued upon in this case * * *".³¹

(b) The stipulation of the parties as to the "total value of the subject tracts on January 1, 1912 * * *", before adjustment for "improvements" encompasses all of the 4,834 parcels, and 485,171.31 acres, of land plaintiffs lost. Finding 21, *supra*. Neither party has proposed any allocation of either stipulated value or fair market value of plaintiffs' said lands to lands patented to settlers (4,639 parcels, 404,047.33 acres); school lands granted to the State of Montana (185 parcels, 60,843.04 acres); and other dispositions (10 parcels, 20,280.94 acres). The record permits no reasonable allocation of fair market value to the respective types of dispositions.

ULTIMATE CONCLUSIONS OF FACT AND LAW

35. (a) Plaintiffs' lands disposed of by defendant pursuant to the 1904 Act had a fair market value, as of January 1, 1912, of \$7,410,000.

(b) While defendant controverts the *amount* of plaintiffs' recovery and denies that plaintiffs are entitled to any interest, it concedes their right to recover the difference between "fair market value of the subject lands * * * as of January 1, 1912" and "the amount realized therefor, namely, \$1,343,331.22 * * *, without interest."³²

(c) Plaintiffs' lands "hereby granted" to the State of Montana for school purposes (60,843.04 acres), reserved by defendant for the National Bison Range (18,523.85 acres), and otherwise disposed of by defendant (1,757.09 acres), as set forth in Finding 21, were taken by defendant, within the meaning of the Fifth Amendment. Plaintiffs are therefore entitled to recover the fair market value of the said lands as of January 1, 1912, less compensation therefor previously received by plaintiffs, with interest thereon, not as interest but as a part of just compensation, at the rate of 5 percent per annum from January 1, 1912 to January 1, 1934, and at the rate of 4 percent per annum thereafter until paid.

(d) Plaintiffs' lands patented to settlers (404,047.33 acres), as set forth in Finding 21, were taken by defendant, within the meaning of the Fifth Amendment. Plaintiffs are therefore entitled to recover the fair market value of the said lands as of January 1, 1912, less compensation therefor previously received by plaintiffs, with interest thereon, not as interest but as a part of just compensation, at the rate of 5 percent per annum from January 1, 1912 to January 1, 1934, and at the rate of 4 percent per annum thereafter until paid.

(e) Plaintiffs have received, for the lands described in Findings 35(c) and (d), a total of \$1,343,331.22.

36. Plaintiffs are entitled to recover \$6,066,668.78, plus interest thereon at the rate of 5 percent per annum from January 1, 1912 to January 1, 1934, and at the rate of 4 percent per annum thereafter until paid.

CONCLUSION OF LAW

Upon the foregoing findings of fact, which are made a part of the judgment herein, the court concludes as a matter of law that plaintiffs are entitled to recover, on the claim set forth in Paragraph 10 of the petition, as amended, \$6,066,668.78, plus interest thereon, not as interest but as a part of just compensation, at the rate of 5 percent per annum from January 1, 1912 to January 1, 1934, and at the rate of 4 percent per annum thereafter until paid.*

Notes:

1

Act of July 30, 1946, 60 Stat. 715, quoted in part in Finding 1(a)

2

The Treaty of Hell Gate was ratified March 8, 1859, and proclaimed April 18, 1859; it is set out in part in Findings 2(a)-(c)

3

According to Senate Report No. 1930, 58th Congress, 2d Session (1904), the Treaty of Hell Gate expressly provided for allotment of "the necessary lands * * * to the Indians, and [the sale of] all the surplus lands * * * for their benefit. The present bill merely provides the necessary means for carrying the agreement with the Indians into effect." *Cf.* Section II, *infra*.

4

The Act of April 23, 1904, *supra*, and related statutes, are treated in Findings 5-15. These enactments are, where appropriate, referred to hereinafter as "the 1904 Act".

5

Through June 30, 1951, plaintiffs had received for such lands a total of \$1,343,331.22. Finding 22 contains a breakdown of amounts attributable to various sorts of dispositions (*i. e.*, lands patented to settlers, school (and other) lands, and the National Bison Range).

**

The Supreme Court has granted certiorari on the defendant's petition to review this court's decision in the *Southern Ute Indians* case, but the issues presented by the Government for review by the Supreme Court do not involve the propositions for which the case is cited in the present opinion. [footnote by the court]

6

The "subject lands" totaled 488,093.81 acres, in 4,838 parcels; these figures were derived from the Lee-Kenney Report (Finding 21). Four less parcels, and slightly less acreage, are in fact involved, but the discrepancies (understandable in litigation of the complexity of this) have no real effect on the valuation problem herein. See

Findings 21, 23

7

See note 6, *supra*.

8

Defendant also filed objections to plaintiffs' supplemental requested findings of fact

9

There is no formal stipulation concerning the treatment to be accorded this sum, but there is implicit agreement that it should simply be deducted from fair market value. This practical approach to what might otherwise be an insoluble problem seems unobjectionable, and it is adopted

10

See Section V, *infra*, for plaintiffs' contentions as to the "date of taking."

11

In the opinion of defendant's appraiser, plaintiffs' "subject lands" had a fair market value of \$5,900,000. Defendant's position that this figure should be further reduced in consequence of the "reduced acreage" now in suit is unfounded. See Findings 21, 23

12

Defendant's Brief on Valuation, pp. 11, 27

13

Defendant's position in this respect seems strange. At least at first blush, it would seem that agreement by plaintiffs to the disposition of their lands by defendant might point this phase of the litigation in a markedly different direction than it now occupies. Resolution of the problem of materiality is, however, unnecessary, in light of the unsoundness of defendant's argument of consent

14

The Treaty of March 16, 1854, with the Omahas, 10 Stat. 1043, 1044-1045, is quoted in pertinent part in Finding 2(d)

15

Sac & Fox Tribe of Indians of Okl. v. United States, 340 F.2d 368, 372, 167 Ct. Cl. 710, 718 (1964), noted by plaintiffs in connection with the Census data approach to fair market value, in fact turned on other, "substantial", evidence of the value of improvements *id.*, 340 F.2d at 372-373, 167 Ct.Cl. at 718-719.

16

Nearly, but not precisely, the stipulated value

17

Defendant's Brief on the Question of Taking, pp. 14, 15 *Cf.* Section IV(c), *infra*.

18

The appropriating act (enacted some months prior to completion of the classification and appraisal of plaintiffs' lands) contemplated a reserve of no more than 12,800 acres. The National Bison Range limits were

· subsequently enlarged to a maximum of 20,000 acres, without additional appropriation

19

Defendant's Brief on the Question of Taking, pp. 14-15. Defendant does assert that, as to both these sorts of reserves and school lands, *Three Affiliated Tribes* was erroneously decided. The claim of error has no substance.

20

Generally speaking, the prices set by the commission ranged from \$1.25 per acre for grazing land to \$7.00 per acre for first class agricultural land south and east of the Flathead River. In the commission's view, approximately 80 percent of the unallotted lands classified and appraised were either grazing lands or lands of "no present market value." Finding 16(b). Payment terms to settlers are set forth in Finding 8

21

The work of the commission was performed between November 8, 1907 and November 7, 1908

22

Defendant's Brief on the Question of Taking, pp. 11, 13

23

Plaintiffs' Brief on the Question of Taking, pp. 3-4

24

16 Ind.Cl.Comm. 341

25

The 1886 agreement was ratified March 3, 1891, with amendment; the Tribes consented to and accepted the amendment. Commission Finding 8

26

Coal lands originally reserved were later opened to entry

27

While the 1910 Act tracks the 1904 Act opening the Flathead Reservation in some respects, there are many differences. *E. g.*, in the 1904 Act itself, no tribal reserves, mineral, timber, or otherwise, were authorized. *Cf.* Act of March 3, 1909, 35 Stat. 781, 796 (power sites and reservoir sites reserved). Allotments ("under the provisions of the allotment laws of the United States") turned out to be of only 80 acres of agricultural, or 160 acres of grazing, land. While cancellation and forfeiture of entry (and forfeiture of payments made) for nonpayment were provided for, re-entry for the benefit of plaintiffs, and reappraisal of lands not disposed of, were not. Sale and removal of all merchantable timber was authorized. Timber lands could be "sold and disposed of", after the removal therefrom of the timber, as defendant saw fit. No provision for interest on the net proceeds of sale was made. *Cf.* *Confederated Salish and Kootenai Tribes of Flathead Reservation, Mont. v. United States*, 175 Ct.Cl. 451 (1966), cert. denied, 385 U.S. 921, 87 S.Ct. 228, 17 L.Ed.2d 145 (1966). And, as will be seen, the net proceeds of sale could be, and were, spent to benefit non-Indians.

28

Chippewa Indians of Minnesota v. United States, 88 Ct.Cl. 1, 35-36 (1938), affirmed 307 U.S. 1, 59 S.Ct. 687, 83 L.Ed. 1067 (1939)

29

The Treaty of Hell Gate was, of course, "not a grant of rights to the Indians, but a grant of rights from them — a reservation of those not granted." *United States v. Winans*, 198 U.S. 371, 381, 25 S.Ct. 662, 664, 49 L.Ed. 1089 (1905)

30

Lone Wolf v. Hitchcock, 187 U.S. 553, 23 S.Ct. 216, 47 L.Ed. 299 (1903) had in the meantime explicitly declared the existence of Congressional power to abrogate Indian treaties. See Finding 17

31

For their lands opened to settlement and entry, plaintiffs received about \$3.03 per acre. In the opinion of defendant's appraiser, the approximate average fair market value of plaintiffs' agricultural lands was \$16 per acre; his opinion for grazing lands was \$10 per acre. Those opinions are, parenthetically, considerably on the low side. Findings 32(c), 33

32

See Finding 30

33

As the court noted, in *United States v. Creek Nation*, *supra*, the Supreme Court held that disposition of Indian land without assuming an obligation to render just compensation was confiscation, not guardianship, distinguishing between the two "by pointing out that control over Indian property in a guardian-type capacity includes the obligation to pay the full value for the property." *Three Affiliated Tribes*, *supra*, 182 Ct.Cl. at 556, 390 F.2d at 693.

34

United States v. Southern Ute, etc., Indians, *supra*.

35

In the 1904 Act as originally enacted, expenditures for the construction of irrigation ditches for *plaintiffs'* benefit were authorized. Defendant's August 1, 1908, response to protests over the opening of the Reservation, though some months after this marked change, summarizes the disposition provisions of the 1904 Act as originally enacted.

36

The expenditure of tribal funds for construction of an irrigation system of benefit to white settlers was eventually rectified, and defendant argues that plaintiffs received a "double benefit" from the use of the proceeds of sale of their lands for the benefit of others, because "irrigation money was later returned to them in full with interest" and their own allotments, if irrigable, were benefited. The argument lacks any persuasive force. Post-taking measures can perhaps ameliorate, but clearly can not eradicate, an act of confiscation. *United States v. Klamath and Moadoc Indians*, *supra*. The so-called "double benefit" is, moreover, illusory.

37

See Finding 8. Compare *Pawnee Indian Tribe of Oklahoma v. United States*, 301 F.2d 667, 157 Ct.Cl. 134, 139, cert. denied, 370 U.S. 918, 82 S.Ct. 1556, 8 L.Ed.2d 498 (1962), (overruling *Miami Tribe of Oklahoma v. United States*, 281 F.2d 202, 150 Ct.Cl. 725, 735 (1960), cert. denied, 366 U.S. 924, 81 S.Ct. 1350, 6 L.Ed.2d 383 (1961))

38

· Plaintiffs' Brief on the Question of Taking, p. 28. The 1910 Act authorized the Secretary of the Interior, upon application, to sell and dispose of up to 60 acres of a tribal member's allotment if the land was "or may be irrigable * * *." See Finding 14

39

Plaintiffs' Supplemental Proposed Findings of Fact, p. 26

40

Plaintiffs' appraiser defined the appraisal problem, to which the 1968 trial was directed, as an appraisal of "approximately 4,500 individual relatively small acreages sold by the Government over the years from 1910 through the final entries in 1935, *plus other lands*, with a stipulated date of value on January 1, 1912" (emphasis supplied); defendant's "Appraisal of 4,838 parcels on Flathead Reservation, Montana, as of January 1, 1912" reflects an opinion of the value of all of the parcels "as of the appraisal date, regardless of the actual date on which [each] was sold."

41

If plaintiffs ask that fair market value be determined as of January 1, 1912, but that interest run from another date, they are still on unsound ground

42

Creek Nation v. United States, 302 U.S. 620, 622, 58 S.Ct. 384, 82 L.Ed. 482 (1938)

43

Plaintiffs' Brief on the Question of Taking, pp. 46-47

1

A section contains 640 acres; a half section 320 acres; a quarter section 160 acres; and an eighth section 80 acres

2

This description is intended only to indicate the geographic location of the Reservation generally, and not to affect boundaries not at issue under Paragraph 10Cf. Confederated Salish and Kootenai Tribes of Flathead Reservation, Mont. v. United States, 173 Ct.Cl. 398 (1965); Confederated Salish and Kootenai Tribes of Flathead Reservation, Mont. v. United States, 185 Ct.Cl. 421, 401 F.2d 785 (1968), cert. denied, 393 U.S. 1055, 89 S.Ct. 691, 21 L.Ed.2d 696 (1969).

3

The Act of May 15, 1886, 24 Stat. 29, 44, contained a similar authorization. There is, however, no evidence in the record of negotiations with plaintiffs pursuant to the 1886 Act

4

Defendant asserts that consent to the opening of the Reservation *vel non* is immaterial, but that consent was given by Article VI of the Treaty of Hell Gate, July 16, 1855, 12 Stat. 975, 977, Finding 2(c), *supra*.

5

Mineral lands "shall not be appraised as to value." Section 6, Act of April 23, 1904, 33 Stat. 302, 303. Only mineral entry might be made on lands classified "as mineral under the general provisions of the mining laws of the United States * * *." Section 10, Act of April 23, 1904, 33 Stat. 302, 304

6

Section 29, Act of June 25, 1910, 36 Stat. 855, 863, authorized the Secretary of the Interior to classify and appraise vacant, unallotted, and unreserved lands as "barren", "burned over", and "containing small timber"

7

Section 15 of the 1904 Act appropriated funds to pay for these (and school) lands at the rate of \$1.25 per acre

8

See Cohen, Federal Indian Law, 251 (1942 ed.)

9

Cf. note 11, *infra*.

10

Much of the more valuable land of the Reservation was allotted to members of the Tribes

11

A large part of the Reservation was "forested and mountaintops * * * quite a lot of wasteland."

12

The "normal" method of obtaining a patent was by down-payment of one-third of the appraised value, with the remainder of the purchase price to be paid in five annual installments; in the meantime, continuous residence, with cultivation, was necessary

13

In lieu of the "normal" method, a settler, after fourteen months' actual and continuous residence and cultivation, could commute his entry by the payment of all unpaid money ("cash")

14

The Lee-Kenney Report includes under school land some 6,545.92 acres never surveyed, and thus still belonging to plaintiffs. This unsurveyed acreage is excluded from the above figures

15

The Lee-Kenney Report includes an additional 2,720 acres (McDonald's Lake Reservation and St. Mary's Lake Reservation) reserved from entry for plaintiffs' benefit, and thus still their property. Plaintiffs have excluded this acreage from suit. The Lee-Kenney Report also includes some 202.50 acres of timber reserves not shown to be lost and excluded *sua sponte*. See also Finding 23, note 18, *infra*.

16

As noted in Finding 21, *supra*, there is substantial agreement as to the acreage disposed of pursuant to the Act of April 23, 1904, *supra*. Defendant asserts elsewhere, however, that the credit of \$89,176.50 was "in payment for 71,341.20 acres of land set aside for school lands granted to the State of Montana and reserved for agency, school and mission purposes." The record does not explain the seeming discrepancy between this figure and those reflected in Finding 21.

17

Commissioner Arens presided at all trial sessions herein, and closed proof Cf. Rule 147(b).

18

The parties also then stipulated that the total number of acres of land so disposed of was 487,776.7 acres. According to the Lee-Kenney Report, in effect stipulated to be accurate, 488,093.81 acres were so disposed of, in 4,838 parcels. Plaintiffs have since removed 2,720 acres of "land" from the claim, however, this acreage having been reserved from entry for the benefit of the Tribes, and admittedly not disposed of by defendant. Most of the 2,720 acres excluded is water, and plaintiffs assert (and defendant does not dispute) that this acreage does not affect any value determination. An additional 202.50 acres of timber reserves has also been excluded (see Finding 21, note 15, *supra*). Four parcels are involved in the excluded acreage. Plaintiffs claim 317.11 acres more than the acreage stipulated to in open court (after a reduction for the 2,922.50 acres mentioned above). Defendant does not insist on the stipulation in open court, and plaintiffs' acreage figures (modified by excluding timber reserves) have been adopted (Finding 21, *supra*). The discrepancies in acreage have *de minimis*, if any, effect on the value stipulation and are disregarded herein.

19

The quotation is from the report of plaintiffs' appraiser; he also terms the adjustment a "necessary discount for improvement values in the sale properties." Defendant's appraiser refers to an adjustment to obtain "raw land value."

20

In the 1900 Census, agricultural data "for Indians on reservations [was] shown separately * * *" from agricultural data for counties in Montana. In the 1910 Census, however, such data was *not* separately set forth.

21

Plaintiffs define "Land in farms" and "Improved land in farms" by reliance upon excerpts from "Instructions and Schedules for the Census of Agriculture: 1920." (Emphasis supplied). Similar instructions for the 1910 Census are not part of the record.

22

Plaintiffs' appraiser assumed, and plaintiffs argue, that "Buildings" is simply another word for "improvements", including both "buildings *and improvements attached to the land*" (emphasis supplied). The assumption is not a tenable one. If, as plaintiffs urge, 1920 Census definitions cited in support of the argument are applicable to 1910 Census data, those definitions refute it; if not, there is nothing in the record to support it.

23

The report encompassed 493,653.63 acres of "subject land" having (in the view of defendant's appraiser) a fair market value, unadjusted, of \$8,952,000 as of January 1, 1912

24

He subsequently "thought", however, that he had studied and used sales of Reservation lands patented as early as 1910

25

Partial cultivation, and partial fencing, of a tract were common

26

Plaintiffs' appraiser testified that a value of \$25 per acre due to improvements was not possible. So high a figure was, if not impossible, in any event rare

27

At the request of plaintiffs' counsel

28

Prices for land "with improvements", for example, ranged from \$14.38 to \$118.12 per acre

29

Both appraisers were well-qualified. The basic problem is lack of adequate data, not expertise

30

The evidence does not support any valid conclusions about the background and experience of homesteaders; their reasons for homesteading (that is, farming, land speculation, or otherwise); or the effect "speculative intent" might have on extent of improvements

31

Plaintiffs' appraiser gave his opinion of the fair market value of "approximately 4,500 individual relatively small acreages sold by the Government over the years from 1910 through the final entries in 1935, *plus other lands*, with a stipulated date of value on January 1, 1912" (emphasis supplied); defendant's "Appraisal of 4,838 parcels on Flathead Reservation, Montana, as of January 1, 1912" also reflects an opinion of the value of *all* of the parcels "as of the appraisal date, regardless of the actual date on which [each] was sold."

32

Defendant's Brief on Valuation, p. 11

*
-

By order of the Court of April 23, 1971, judgment was entered for the plaintiffs, in the claim set forth in Paragraph 10 of the petition, as amended, in the amount of six million sixty-six thousand six hundred sixty-eight dollars and seventy-eight cents (\$6,066,668.78), plus interest thereon, not as interest but as a part of just compensation, at the rate of 5 percent per annum from January 1, 1912 to January 1, 1934, and at the rate of 4 percent per annum thereafter until paid

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Water Rights Under the Law of Montana*

HOWARD W. HEMAN**

I. BACKGROUND.

Montana is the most northerly state of the arid region and has a comparatively large water supply, many rivers rising in the ranges of mountains which are found in the western part of the state. More than two-thirds of the state is on the eastern slope of the main range of the Rocky Mountains, and the greater portion of this area lies in the great drainage basins of the Missouri and Yellowstone Rivers. About 70% of the annual precipitation falls during the crop growing season, but it varies greatly with the altitude, the mountains receiving 30 inches or more, usually as snow, while the plains receive only ten inches or less. There is also the possibility of extreme cold in winter, though it does not last long and the dry air and frequent snow-melting chinook winds prevent personal discomfort. From the farmer's standpoint, the worst feature of the climate is the comparatively short season between the frosts of late spring and early autumn. The character of crops raised is largely influenced by this feature, favoring grain and forage, but the soil is of the best and any crop can be raised which can withstand the climate.

The climate of the state is exceedingly varied, and is much more salubrious than is generally supposed. The rainfall in the western end averages about 16 inches, while the eastern average is about 13 inches. Rain and snow prevail during the spring until early July. July, August and September are largely without rain, but in many places there is no need of irrigation. In recent years, possibly due to increased irrigation and the tilling of many acres formerly used only for range, the rain-

*An essay written under the supervision of Richard R. Powell, Dwight Professor of Law, Columbia University Law School.

**LL.B. 1948, Columbia University Law School; admitted to the Montana Bar 1948; in general practice at Choteau, Montana.

fall during summer months has increased, though remaining uncertain.

The annual flow of Montana's rivers is sufficient to cover the entire state with six inches of water—more than enough to irrigate ten million acres. It does not drain off in great floods for snow at the higher altitudes melts slowly, but yields a gradually diminishing flow throughout most of the summer. Nevertheless, only about two-thirds of the state's irrigated land, which lies mostly in the southern and southwestern counties, has adequate water in dry years. Tributaries of the Missouri are used in irrigation, but the river itself contributes very little. The average farm on large irrigated projects must contain more than 100 acres because 90% of the land is devoted to hay and grains. Beans and sugar beets cover 3% each, with 4% in all other crops. More intensive use of land is not feasible because of the dry climate and distance from consuming centers. Montana's water supply gives the state another valuable asset, electricity. The rivers average a 3,000 foot descent from source to state line, and could produce 2,500,000 horsepower of electric energy, more than five times their actual production. In annual per capita consumption of electricity Montana ranks first among the states, and in production, sixth.¹

10 million
ACRES

A. Riparian Doctrine v. Appropriation Doctrine.

The present western law of appropriative rights to the use of water had its beginning in the gold mining regions of California a century ago, though long before our gold-rush pioneers or even the sixteenth-century Spanish explorers first entered that state, the natives of the arid regions of the southwest were using water for irrigation under a rudimentary system of appropriation. The crowding of the gold fields gave rise to controversies over water rights which the miners settled by analogy to the rule they had developed with regard to possessory interests in mining claims, giving the first locator of a claim a right to it superior to that of any later comer. The first one to put water to a beneficial use, without limitation to riparian land, was recognized as the first in right to the amount so used. An early California case brought this custom into the state's common law, saying:

¹MONTANA, A STATE GUIDE BOOK 27-8 (1939); 19 ENCYCLOPEDIA AMERICANA, S.V. Montana (1943); 4 KINNEY, IRRIGATION AND WATER RIGHTS §1862 (2d ed. 1912).

IRRIGATION LAW

15

"Courts are bound to take notice of the political and social condition of the country, which they judicially rule. . . . a system has been permitted to grow up by the voluntary action and assent of the population, whose free and unrestrained occupation of the mineral region has been tacitly assented to by the United States, and heartily encouraged by the expressed legislative policy of the State of California. If there are, as must be admitted, many things connected with this system, which are crude and undigested, subject to fluctuation and dispute, there are still some which a universal sense of necessity and propriety have so firmly fixed as that they have come to be looked upon as having the force and effect of *res judicata*. Among these the most important are the rights of miners to be protected in the possession of their selected localities, and the rights of those who, by prior appropriation, have taken the waters from their natural beds. . . ."

APPROPRIATION
DOCTRINE
A.W. STATES
WEST

The riparian doctrine of water law developed from the French Civil Code, was adopted in England (which formerly had had a doctrine of appropriative rights) during the fourth and fifth decades of the nineteenth century,² and is in effect today in all the states east of the Mississippi. Under it only the owner of land contiguous to water has the right to the continuance of and the use of the water in its natural state, which right exists permanently appurtenant to the riparian land. As this doctrine was developed under climatic conditions vastly different from those in our western states, it is not well suited to use therein. In most of this area water supplementary to the precipitation on almost any particular piece of land is essential to agriculture, and the quantity of water available is far short of the quantity that would be required for the farming of all agricultural lands. As water is less abundant than good land, the problem is to distribute the water supply where it can be most beneficially and economically used. As the riparian doctrine gives rights solely by reason of location regardless of relative productive capacities of riparian and non-riparian land, the doctrine of appropriation, which laid emphasis upon beneficial use and protected enterprises based on application of water to fertile but non-riparian land, was universally adopted throughout the arid region of the United States.

²*Irwin v. Phillips*, 5 Cal. 140, 146, 63 Am. Dec. 113, 115, (1855).

³Wiel, *Waters: American Law and French Authority*, 33 Harv. L.Rev. 133, 144 (1919).

B. "California Doctrine" v. "Colorado Doctrine."

Despite the adoption in all the western states of the doctrine of appropriation, some still retain a modified system of riparian rights. These are the less arid states which border the region on east and west,⁴ confining those which use only the appropriation system between giant parentheses. In these bordering states the combined system, more or less locally adapted, is known as the "California Doctrine." Under it riparian rights attach to land at the time it passes to private ownership (usually from the public domain), subject however to appropriative rights previously acquired by others. All such riparian rights are equal among themselves regardless of time of accrual, but later appropriators take rights inferior to them and may use water to which the riparian owner is entitled only when he does not choose to do so. The theory behind this rule is that originally the United States had title to the public land with full riparian rights. Appropriations constituted grants from the government as owner to the appropriator. The bundles of rights later transferred by the United States to those taking title to lands from the public domain thus lacked what had been previously conveyed away.

The Colorado doctrine, on the other hand, is based upon the theory that water in all natural forms is the property of the state in which it lies. Since the common law doctrine of riparian rights is unsuited to semiarid conditions it never was part of the law of a semiarid state. The United States as owner of the public domain has no rights not accorded to private landowners, hence never enjoyed riparian rights on its land, hence none of its grantees have riparian rights. Rights to the use of water therefore may be acquired only by appropriating the water under the law of the state.

Colorado
Doctrine

Montana, being one of the inner states, follows the Colorado doctrine. It specifically repudiated the riparian system by saying that the common law doctrine of riparian rights had never prevailed in Montana since 1865,⁵ being unsuited to conditions there.⁶

⁴Washington, Oregon, California, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

⁵The date when the first statutes pertaining to water law were passed by the first Territorial Assembly. Montana became a territory in 1864, a state in 1889.

⁶Mettler v. Ames Realty, 61 Mont. 152, 201 P. 702 (1921).

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C. Nature of a Water Right Acquired by Appropriation.

Montana is committed to the rule that the appropriator of a water right does not own the water, but has rights in its use only.⁷ This rule is also recognized in the state constitution, which says:

"The use of all water now appropriated, or that may hereafter be appropriated for sale, rental, distribution, or other beneficial use, and the right of way over the lands of others, for all ditches, drains, flumes, canals and aqueducts, necessarily used in connection therewith, as well as the sites for reservoirs necessary for collecting and storing the same, shall be held to be a public use. . . ."

The water right while appurtenant to land is real property,⁸ but it can be held in gross,⁹ and it would seem that when so held a Montana water right is not yet definitely included in the category of realty. Wiel says that as a general rule the right to the flow and use of water, being a right in a natural resource, is real property,¹⁰ but the case he uses to support the rule for Montana dealt with a water right appurtenant to land, held to be realty for tax purposes,¹¹ and another tax case held a water right in gross to be personalty for tax purposes.¹² There seems to be no decision that a water right in gross is real property, but no reason is seen why if the question arose it would not be held to be realty in common with what appears to be the general rule. Except for taxation it makes little practical difference either way, because Montana has a statutory system of descent and distribution which provides for both real and personal property to be treated in the same manner.¹³

Another general rule without authority in Montana is that water when reduced to possession becomes personalty. Of course capture of water is restricted by the rule that appro-

⁷See *Brennan v. Jones*, 101 Mont. 550, 567, 55 P. 2d. 697, 702 (1936) and cases there cited.

⁸Mont. Const., Art III §15.

⁹Revised Codes of Montana (1935) (hereinafter designated as R.C.M.) §§6667 (3), 6671.

¹⁰*Smith v. Denniff*, 24 Mont. 20, 60 P. 398 (1900).

¹¹WIEL, *WATER RIGHTS IN THE WESTERN STATES* §283 (3d ed. 1911); see also HUTCHINS, *SELECTED PROBLEMS IN THE LAW OF WATER RIGHTS IN THE WEST* 28 (1942).

¹²*Hale v. Jefferson County*, 39 Mont. 137, 101 P. 973 (1909).

¹³*Helena Waterworks v. Settles*, 37 Mont. 237, 95 P. 838 (1908).

¹⁴R.C.M. §§7072 ff.

priators from streams may not retain waters if needed by other appropriators, prior or subsequent,¹⁶ so the only instances where water might become personality seem to be where surplus waters are impounded in reservoirs during flood season or where waters are appropriated for the purpose of sale.

Prior
Appropriation
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D. Measurement and Duty of Water.

By statute the legal standard for measurement of water is the cubic foot (7.48 gallons) per second,¹⁷ but the amount of water granted to an appropriator is almost always measured by Montana courts in terms of miner's inches.¹⁸ The miner's inch is equivalent to a flow of .025 cubic feet per second, forty of them equalling one cubic foot per second.¹⁹ No limit on duration is ever mentioned in connection therewith, but the implication is that the flow is permanent.

As for the quantity itself awarded under the appropriation, the amount needed for beneficial use is granted, limited by either the amount claimed in the appropriator's notice,²⁰ the capacity of his means of diversion,²¹ or the amount of which he can make beneficial use, considering the use and conditions affecting it.²² Usually the use is irrigation, and the Montana Supreme Court reiterates that in the absence of unusual conditions of soil or climate the amount awarded is one miner's inch per acre. However, the actual award in each case is a jury question²³ depending on the particular facts. A recent

¹⁶R.C.M. §7097.

¹⁷R.C.M. §7107.

¹⁸From 1885 to 1899 the method and device to be used in measuring flow in miner's inches was prescribed by statute as follows: "The measurement of water appropriated under this act shall be conducted in the following manner: a box or flume shall be constructed with a headgate placed so as to leave an opening of six inches between the bottom of the box or flume and lower edge of the headgate, with a slide to enter at one side of and of sufficient width to close the opening left by the headgate, by means of which the dimensions of the opening are to be adjusted. The box or flume shall be placed level, and so arranged that the stream in passing through the aperture is not obstructed by backwater, or an eddy below the gate; but before entering the opening to be measured the stream shall be brought to an eddy, and shall stand three inches on the headgate, and above the top of the opening. The number of square inches contained in the opening shall be the measure of inches of water." L. 1885 p. 130 §14, repealed L. 1899 p. 126 §4.

¹⁹R.C.M. §§7108, 7132.

²⁰R.C.M. §7100.

²¹Bailey v. Tintinger, 45 Mont. 154, 122 P. 575 (1912).

²²Conrow v. Huffine, 48 Mont. 437, 138 P. 1094 (1913).

²³Worden v. Alexander, 108 Mont. 208, 90 P. 2d 160 (1939); Tucker v. Missoula Light & Ry. Co., 77 Mont. 91, 250 P. 11 (1929); see also 2 KINNEY, *op. cit. supra* note 1, §904; 1 WIEL, *op. cit. supra* note 11, §488.

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case²² used "acre-feet" as its standard of measurement for water in irrigation. One miner's inch flowing continuously for 30 days is equal to 1½ acre-feet. The award in acre-feet includes all the water needed during the irrigating season, so a four-month season makes an award of three acre-feet the equivalent of ½ miner's inch per acre. This case is the only one found in the Montana Reports using other than miner's inches, and even so it reaffirms the rule of one inch per acre in the absence of circumstances requiring variation. It contains also the latest formulation of the criterion for awards of water: "The requirements of the lands for adaptable crops should fix the amount of water required in that particular locality."²³

The concept of duty of water is inseparable from the topic of measurement. The Montana cases give it only passing mention, usually citing Wiel or Kinney, but it seems important enough to set forth. Briefly, it is the work a given amount of water must do in raising crops, and whether mentioned or not, is at the base of every award of a quantity of water for irrigation. It will naturally be higher if the water table is near the surface of the ground or if land has previously been irrigated sufficiently to cause it to retain a certain amount of moisture or receive seepage from surrounding lands than if the land is being irrigated for the first time or has a low water table. That is to say, a higher duty of water makes for a lower award to a given area of land, or, requires a greater area of land to be irrigated by a given amount of water. The crop is another factor in determining the duty. A crop requiring a large amount of water tends to lower the duty, but the result of this factor may be more than offset by such a crop being of a far greater cash value than one needing less water, thus leading to more intensive cultivation and hence increasing the duty with less water being required per unit of the greater yield per acre. Losses by evaporation, leakage and seepage in the ditches en route from the point of diversion to the place of use must also be considered, the greater the distance the lower the duty. Some states fix a minimum duty by statute²⁴ varying from one cubic foot per second (40 miner's inches) per fifty acres to one per 160 acres, but Montana leaves the question to the discretion of its courts. As more than three inches per

²²Federal Land Bank v. Morris, 112 Mont. 445, 116 P. 2d 1007 (1941).

²³*Id.* at 452, citing Worden v. Alexander, *supra* note 22, and sustaining award of 3 acre-feet per acre.

²⁴2 KINNEY, *op. cit.* *supra* note 1, §906.

acre is rarely awarded, we may say the minimum duty is roughly one cubic foot per second per 13 acres. This extremely low figure may be explained by the fact that for an arid state Montana has a large water supply, as shown in the background material.

E. Evolution of the Montana Statutes.

The first statute in Montana relating to water rights was an act to protect and regulate the irrigation of land, passed by the First Territorial Legislative Assembly at Bannack on January 12, 1865.²⁶ It was in twelve sections, and provided that anyone with a possessory right or title to land on or near any stream should be entitled to use the water of the stream for irrigation. If too far from a stream to have access to its water otherwise, he might have a right of way over intervening land for necessary ditches. If the stream was insufficient to supply all users, the nearest justice of the peace was given power to appoint three commissioners to apportion the water equitably on alternate days to different localities as they might judge best for all concerned. If anyone refused to allow a ditch through his land, commissioners might be appointed to make an assessment of damages, on which judgment would be given either by the appointing justice or county probate judge, depending on the amount in question. If anyone carelessly managed his water, so that his waste injured someone, commissioners might assess damages against him.

The grant of judicial powers to commissioners was soon thereafter held invalid²⁷ as being in conflict with the Organic Act of the Territory which vested all judicial power in certain officers, and the act was repealed in toto immediately thereafter.²⁸ The act of repeal substituted provisions substantially the same but omitted all reference to commissioners and added recognition of appropriative rights, as well as two sections which required those digging or using ditches across public roads to keep them in good repair where the water might injure the road.²⁹ This act was carried forward in the 1872 Codified Statutes as Chapter 34, with the addition of a section providing that in all controversies, rights should be determined by dates of appropriation as modified by local custom.

²⁶Bannack Stats., p. 367 (1864-5).

²⁷Thorp v. Woolman, 1 Mont. 168 (1870).

²⁸L. 1869-70, p. 57.

²⁹Now, R.C.M. §§7111, 7112. See also *id.* §§1732, 1733.

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In 1877 any person having a surplus of water was required to sell it to anyone who tendered the usual rate per inch and constructed ditches to carry it away. The buyer could not resell the water, but acquired only the right to use it.²⁰ The next session of the legislature added to the first section of Chapter 34 of the 1872 Codified Statutes a provision that where one had appropriated more than he at a later time happened to need, he was required to return the surplus for the use of subsequent appropriators within five days after notice from them, on penalty of \$25 per day of delay.²¹

Thus stood Montana's statutory water law at the time of the Revised Statutes of 1879; fifteen sections,²² relating primarily to irrigation, with no subject called "Water Rights" separately listed in the index.

The period during which the law of water rights was governed only by custom ended in 1885, with the passage of an act²³ providing in detail a method of appropriation of water which has remained substantially unaltered to the present date. It allowed appropriation for beneficial purposes, to last until such use ceased or the right was abandoned, by posting a notice of appropriation at the point of diversion, filing a copy in the county records, and promptly completing works to carry the water away. Persons who had previously acquired rights were required to file the details in the county records, though non-compliance did not deprive them of their rights. Filed documents were to be prima facie evidence of their contents. Adversary proceedings with joinder of all concerned was made the method of determination of rights in a particular source of water. Finally, a device and method for the measurement of water were prescribed. These provisions were carried forward in the 1895 codes²⁴ without change of substance, which process was repeated in the Revised Codes of 1907,²⁵ 1921²⁶ and 1935²⁷ except for the last section. This was replaced in 1899²⁸ by the legal standard of

²⁰L. 1877, p. 406; R.C.M. §§7113-7116.

²¹L. 1879, p. 52; R.C.M. §7097.

²²Mont. Rev., Stat. §§731-745 (1879).

²³L. 1885, p. 130.

²⁴Mont. Civ. Code §§1880-1883, 1885-1893 (1895).

²⁵§§4840-4843, 4845, 4847-4853.

²⁶§§7093-7096, 7098, 7100-7106.

²⁷*Ibid.*

²⁸L. 1899, p. 126; R.C.M. §§7107-7109.

measurement of cubic feet per second, which has since remained unchanged.

Following the 1885 statute came the Montana Constitution in 1889, which made the use of all water and connected works a public use,³⁰ recognizing the importance of water to the welfare of the state and its inhabitants. The Civil Code of 1895 added to prior laws a section covering the right of eminent domain for irrigation ditches,³¹ to be exercised "in the manner provided by law for the taking of private property for public use," apparently replacing an 1891 act of eleven sections³² providing detailed procedure for obtaining a right of way for ditches, flumes and canals, which was never again heard of thereafter. Except for the addition of two sections requiring dams to be secure³³ and the omission of what remained of the 1865 irrigation act after its revision in 1870³⁴ (which omission removed the requirement that an appropriator for irrigation had to have a possessory right thereto)³⁵ no other changes were made in existing statutes.

In 1911 a statute providing details of appointment, duties, authority and compensation of water commissioners acting to distribute waters³⁶ replaced previous similar enactments on the same subject,³⁷ and except for the addition in 1919 of another instance in which commissioners might be appointed³⁸ no substantial changes have been made.

Irrigation districts were first authorized by statute in 1907³⁹ but this was repealed in 1909 and a new enactment substituted⁴⁰ which remains in the present code with only minor additions and amendments to its provisions concerning water rights. Apparently the only difference between the 1907 and 1909 acts was that the latter was more detailed, for no part of the 1907 act ever was passed upon, for constitutionality or otherwise, by the Supreme Court of Montana.

³⁰Mont. Const. Art. III, §15.

³¹§1894; R.C.M. §7110.

³²L. 1891, p. 295.

³³Mont. Civ. Code §§1901, 1902 (1895); R.C.M. §§7117, 7118. See also *id.* §§2658-2671.

³⁴*Supra* note 28.

³⁵*Supra* note 28.

³⁶L. 1911, c. 43; R.C.M. §§7136 ff.

³⁷L. 1899, p. 136; L. 1905, c. 64; R.C.M. §§4881-4889 (1907).

³⁸L. 1919, c. 181 (pendency of action between partners, tenants in common, or stockholders); R.C.M. §§7152 ff.

³⁹L. 1907, c. 70; R.C.M. §§2308-2402 (1907).

⁴⁰L. 1909, c. 146; R.C.M. §§7166 ff.

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1921 brought an exclusive method of appropriation from adjudicated streams⁵⁰ to replace a previous non-exclusive method,⁵¹ and thereafter no important additions were made to Montana's water law until the depression and a long dry spell gave rise to the state water conservation board in 1933⁵² for the purpose of conservation, development, storage, distribution and utilization of water for the welfare and benefit of the people of the state. Because of the continuance of adverse conditions, its powers were broadened in 1935⁵³ to permit full cooperation with the Federal Government in the work of recovery. A further progressive step was made in 1939⁵⁴ when the state engineer was authorized to bring actions under the water conservation board for the adjudication of rights in all the waters of the state and especially interstate streams. Such legislation and a liberal interpretation of the statutes by the courts are a beginning in the process of modernization of Montana's water law, which was considered backward in 1912⁵⁵ and has since undergone little change.

The latest step in the conservation of water was taken at the last session of the state legislature by the passage of an act⁵⁶ to conserve underground water by regulating artesian wells and preventing waste therefrom, which added administration of the act to the powers of the state engineer. These recent additions to the jurisdiction of the state engineer are in line with recommendations by various authorities,⁵⁷ though still not going all the way and setting up a centralized control of water. A comprehensive water code was introduced at the 1917 session of the Montana Legislature,⁵⁸ but failed of passage. It is doubtful that future attempts will be more successful, for Montana has been the only state without such a code since 1919 and may prefer its decentralized system.

⁵⁰L. 1921, c. 228; R.C.M. §§7119 ff.

⁵¹L. 1907, c. 185; R.C.M. §§4868 ff (1907).

⁵²L. 1933, c. 35; R.C.M. §§349, 1-349.25.

⁵³L. 1935, c. 96 & 97; R.C.M. §§349. 26-349. 38.

⁵⁴L. 1939, c. 185; R.C.M. §§349. 68-349. 76.

⁵⁵4 KINNEY, *op. cit. supra* note 1, §1864.

⁵⁶L. 1947, c. 218.

⁵⁷See e.g. 4 KINNEY, *op. cit. supra* note 1 §1864; NATIONAL RESOURCES PLANNING BOARD, STATE WATER LAW IN THE DEVELOPMENT OF THE WEST p. 55 lines 26-31 (1943).

⁵⁸CHANDLER, ELEMENTS OF WESTERN WATER LAW 81 (Rev. ed. 1918).

II. OPERATION OF THE APPROPRIATION DOCTRINE IN MONTANA

A. Acquisition of Water Rights.

1. Unadjudicated waters.

A recent publication classifies available water supplies as follows:¹⁰

A. Waters on the surface of the earth.

a. Diffused surface waters.

b. Surface waters in watercourses.

1. Flowing in well defined channels.

2. Flowing through lakes, ponds or marshes which are integral parts of a stream system.

c. Surface waters in lakes or ponds unconnected with streams.

d. Spring waters.

e. Waste waters.

B. Waters under the surface of the earth.

a. Ground waters.

1. In defined subterranean channels.

2. Diffused percolating waters.

All these would seem to be included in the waters appropriable under the Montana statute,¹¹ which includes "or other natural source of supply," though some difficult cases have arisen over the appropriation of flood, waste and seepage waters.¹² These have been held subject to appropriation,¹³ but the proprietor of land may change the flow of waste waters thereon to suit his purposes, so long as he does not act maliciously or arbitrarily to the detriment of the appropriator.¹⁴ The prescribed manner of appropriation of such waters is by impounding them in a reservoir,¹⁵ the right so acquired being measured by the quantity of water which the reservoir will hold at one filling.¹⁶

Any person (including a corporation)¹⁷ may appropriate

¹⁰HUTCHINS, *op. cit. supra* note 11, at 1.

¹¹R.C.M. §7093.

¹²E.g., *Woodward v. Perkins*, 116 Mont. 46, 147 P. 2d 1016 (1944).

¹³*Popham v. Holloron*, 84 Mont. 442, 275 P. 1099 (1929).

¹⁴*Newton v. Weller*, 87 Mont. 164, 286 P. 133 (1930).

¹⁵R.C.M. §7093.

¹⁶*See Federal Land Bank v. Morris*, 112 Mont. 445, 455, 116 P. 2d 1007, 1011 (1941).

¹⁷R.C.M. §16.

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unadjudicated waters by posting a notice of appropriation at the point of intended diversion, stating the quantity of water claimed, the purpose of diversion and size of channel, the date, and his name. Then within twenty days he must file with the county clerk in whose jurisdiction the point of diversion lies a notice of appropriation containing the above data and the name or a description of the stream and a description of the point of diversion with reference to some permanent monument. This notice must be verified by an affidavit of the appropriator or someone on his behalf stating that the contents of the notice are true."

Filing the notice does not give the appropriative right, but only the right to perfect it. This is done by the construction of the means of diversion, completed with reasonable diligence after having been begun within forty days after the filing.⁶ Unless this is done, the appropriator's right is suspended until he completes his works, at which time his right relates back to the date he posted the notice.⁷ This date governs his rights as to all other appropriators, the first in time being first in right.⁸ Before the 1885 statute, the elements of an appropriation were a completed ditch and beneficial use of water, and the water right related back to the date the ditch was begun.⁹ This manner of appropriation was not superseded by the statutory method, but relation back is now controlled by the statute so that one seeking to avail himself of that doctrine can only do so by compliance with the statutory requirements.¹⁰

As means of conveying the water from the point of diversion to the point of use are indispensable adjuncts of water rights, the appropriator has the right to build any works necessary for such purpose, such as dams, reservoirs and embankments, across intervening lands, and to take by the private form of eminent domain any land necessary therefor on payment of just compensation.¹¹

For the purpose of making it easier for the United States to proceed with its valuable work of reclamation and improve-

⁶R.C.M. §7100.

⁷R.C.M. §7101.

⁸R.C.M. §7102.

⁹R.C.M. §7098.

¹⁰Maynard v. Watkins, 55 Mont. 54, 173 P. 551 (1918).

¹¹Murray v. Tingley, 20 Mont. 260, 50 P. 723 (1897).

¹²R.C.M. §7110.

ment of land, it was authorized in 1905⁷⁴ to appropriate the water of streams or lakes in Montana through the secretary of the interior or his agents subject to the same general conditions applicable to appropriations by private individuals, with the proviso that such appropriation should be held valid for three years after filing the notice thereof with the county clerk. Unless at the end of those three years construction of a means of diversion has been commenced, the right terminates. In the same year the state was authorized to appropriate water⁷⁵ via the state board of land commissioners in the same manner (but without the three-year proviso) in order to facilitate operations under the Carey Land Act.⁷⁶

COURT
Decrees

2. Adjudicated Waters.

Where a decree of court has previously fixed the rights in a water supply, a person desiring to appropriate from it must employ a competent engineer to survey his intended diversion works, and must file a petition in the local district court giving the amount desired, a description of the source and the intended diversion works, the latter prepared by the engineer, showing capacity and means and place of use. A map of the project must also be included, as well as a declaration that any rights awarded will be subject to the terms of any existing decree. All persons appearing to have rights in the supply must be named as defendants. Upon notice to these parties a hearing is had, and the court may enter a permanent or interlocutory decree granting the appropriation sought, subject to all prior adjudicated rights.⁷⁷

The first statutory provisions for appropriation from adjudicated streams were passed in 1907⁷⁸ for the purpose of providing security for those whose rights had theretofore been adjudicated and to compel new appropriators to take their rights subject to those previously fixed after bona fide litigation by the decree of a competent court. This purpose failed when they were held to be non-exclusive,⁷⁹ but they had been rein-

⁷⁴L. 1905, c. 44; R.C.M. §7099. It may also take existing ditches by eminent domain, subject to rights of present owners. L. 1905, c. 70; R.C.M. §7134.

⁷⁵L. 1905, c. 85; R.C.M. §1965.

⁷⁶A discussion of the Carey Land Act is beyond the scope of this paper. See CHANDLER, *op. cit. supra* note 58, at 123-127; WIEL, *op. cit. supra* note 11, §§1380-1385; KINNEY, *op. cit. supra* note 1, §§1312-1336.

⁷⁷R.C.M. §§7119-7133.

⁷⁸L. 1907, c. 185, partly surviving as R.C.M. §§7129-7133.

⁷⁹*Donich v. Johnson*, 77 Mont. 229, 250 P. 963 (1926).

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forced in 1921²⁰ by new sections which made them thereafter exclusive.²¹

The latest construction of these statutes was made in 1930,²² when a lower court granted a person conforming to the statutory procedure a water right, but limited it by requiring him to stop taking water when the water flowing past his point of diversion should be equal to or less than the arithmetical total of all prior decreed rights regardless of whether or not they were being used at the time. He appealed, and the judgment was modified to give him all the rights of a junior appropriator as if he had been included in the original adjudication. By this decision it is settled that the rights procured under the statute are the same as those in non-adjudicated streams, differing only in the procedure by which they are acquired.

3. Interstate Streams.

A statute adopted in 1921 requires the approval of the Montana legislature for the appropriation of water within the state for use outside,²³ but in 1933 the state engineer was authorized to negotiate with other states regarding interstate waters²⁴ and in 1937 such appropriations were authorized to be made by the state of Wyoming, to be valid only when the Montana water conservation board should issue certificates therefor, the statute to be effective only if Wyoming should enact legislation granting similar rights to Montana.²⁵ It was also provided that the board might cooperate with Wyoming officials in the control of water rights on interstate streams. Wyoming now has a statute authorizing appropriation of water from the Little Missouri River in Wyoming for use in Montana on certification from Montana that it will be put to beneficial use.²⁶

As for appropriations within the state in which the water from interstate streams is to be used, it is generally recognized that the state line has no effect if both states recognize the

²⁰L. 1921, c. 228; R.C.M. §§7119-7127.

²¹Anaconda Nat. Bank v. Johnson, 75 Mont. 410, 244 P. 141 (1926).

²²Quigley v. McIntosh, 88 Mont. 103, 290 P. 266 (1930).

²³R.C.M. §7135.

²⁴R.C.M. §1956. No use seems to have been made of this provision.

²⁵R.C.M. §7135.1. The text of this section appears a bit confused grammatically, but the gist of it seems to be as indicated.

²⁶Wyo., Comp. Stat. §71-264 (1945). See *id.* §§71-501 to 71-515 re "Foreign Waters," §§71-2601 to 71-2605 re "Interstate Streams Commission."

appropriation doctrine only (Montana-Wyoming, Montana-Idaho).¹⁷ If one state employs the appropriation doctrine and the other the riparian doctrine (Montana-North Dakota), the controversy is settled by an equitable apportionment of benefits¹⁸ based on all the circumstances of the case.

B. Use and Protection of Rights.

1. Restrictions on Use.

Once a person has completed his works and acquired title to his water right, he is subject to several restrictions. He may change his point of diversion only if other appropriators from the same source are not injured thereby,¹⁹ and under the same restriction may change his place of use²⁰ and the use itself.²¹ Instead of using a ditch, an appropriator or purchaser of water may turn it into a natural stream and reclaim it at a lower point, but in so doing, must not diminish or deteriorate water of other appropriators.²² If an appropriator has a right to more water than he needs, he must return any surplus on demand by a subsequent appropriator.²³ This also applies to waste waters remaining after use by the prior appropriator.²⁴

An appropriator constructing channels across or over public highways, or using water therefrom, must keep the crossings in good repair where the water may overflow or otherwise injure the roads, on penalty of fine,²⁵ while one constructing or using a dam or reservoir must see that it is secure and safe before filling it.²⁶

Persons with the right to sell water who have a surplus are required to sell it to anyone who pays or tenders the customary rates therefor. The purchaser must furnish the works necessary to carry the water away, and on doing so and tendering the price of it is entitled to enforce his rights by suit.²⁷

¹⁷See e.g. *Bean v. Morris*, 159 Fed. 651, 655 (C.C.A. 9th 1908).

¹⁸WIEL, *op. cit. supra* note 11, §§341, 342.

¹⁹R.C.M. §7095; *Loyning v. Rankin*, 165 P. 2d 1006 (Mont. 1946).

²⁰R.C.M. §7095; *Quigley v. McIntosh*, 110 Mont. 495, 103 P. 2d 1067 (1940).

²¹R.C.M. §7095; *Pioneer Min. Co. v. Bannack Gold Mining Co.*, 60 Mont. 254, 198 P. 748 (1921).

²²R.C.M. §7096, 7096.1.

²³R.C.M. §7097; *Tucker v. Missoula Light*, *supra* note 22, at 101, 250 P. at 15.

²⁴*Galiger v. McNulty*, 80 Mont. 339, 260 P. 401 (1927).

²⁵R.C.M. §§7111, 7112.

²⁶R.C.M. §§7117, 7118.

²⁷R.C.M. §§7113-7115; *Sherlock v. Greaves*, 106 Mont. 206, 76 P. 2d 87 (1937).

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Purchasers under the above rules cannot resell water purchased by them after use, but if the sellers are in a position to do so, they may recapture the waste water and sell it again."

2. Manner of Protection.

The basic method of protection of water rights in Montana is by adversary proceedings between claimants in an action to determine the relative rights of all parties in the source of supply in question.¹⁰⁰ This right of action is implemented by injunctions when necessary. Most water right cases are handled in equity, with an occasional suit at law for damages resulting from temporary wrongful diversions sufficient to injure crops. In these actions, the records made by filing notices of appropriation and claims to water rights in the offices of the county clerks¹⁰¹ are prima facie evidence of all statements therein contained.¹⁰² If a commissioner is in charge of distribution of a water supply, a person with rights in it may if dissatisfied with the commissioner's performance petition the court to give correct instructions to the commissioner or otherwise relieve the situation. No other pleadings, motions, etc., are necessary or indeed permissible.¹⁰³ After hearing, the court may make any order it considers proper under the circumstances.¹⁰⁴

Since 1939 the state engineer has had authority to bring actions to have rights in water supplies adjudicated, in accordance with the stated policy of Montana that all the waters in the state be investigated and adjudicated as soon as possible to protect the rights of water users within the state and ground negotiations for interstate water compacts.¹⁰⁵ If this policy is carried out, it may be foreseeable that the number of water right cases will decrease steadily until the legislature sees the wisdom of a centralized system of water control and vests administration of water rights in the hands of the state water conservation board.

C. Loss of Rights.

1. Abandonment.

The question of abandonment of a water right is one of fact.¹⁰⁶ As the use must be for a beneficial purpose for a right

¹⁰⁰R.C.M. §7116.

¹⁰¹R.C.M. §7105.

¹⁰²R.C.M. §§7100, 7103.

¹⁰³R.C.M. §7104.

¹⁰⁴See *Gans & Klein v. Sanford*, 91 Mont. 512, 8 P. 2d 806, 810 (1932).

¹⁰⁵R.C.M. §7150.

¹⁰⁶R.C.M. §§349, 68-349.76.

¹⁰⁷R.C.M. §7094.

to accrue in the first place, one attacking another's right must first ask whether any right ever existed,¹⁰⁶ and if so, the question of abandonment may arise. Mere disuse does not constitute abandonment, though Chief Justice Callaway, who wrote many of the decisions on water rights handed down while he was a member of the Montana Supreme Court, has recommended a statute providing that disuse for a certain number of years be prima facie evidence of abandonment.¹⁰⁷ No legislative action has resulted from this proposal, however, so the rule remains that to constitute abandonment in Montana there must be concurrence of relinquishment of possession, and intent not to resume it for a beneficial use.¹⁰⁸ Most of the western states have provided by statute for forfeiture after a certain number of years, usually three to five, but Montana leaves the question to its triers of fact.

2. Prescription.

The water right of an appropriator may be lost, in general, by adverse use on the part of another, usually upstream from the appropriator, for the prescriptive period defined in the statute of limitation of actions to recover real property. This period is ten years in Montana.¹⁰⁹ To ripen into a prescriptive title, there must be a continuous, exclusive, uninterrupted, notorious and adverse use of the water under claim of right throughout the statutory period, a result difficult to attain in a state where water flows in many stream beds only in certain months of the year. The problem may be further complicated sometimes by drouth which may prevent some streams from containing any water for years. Does such interruption break the continuous use? Does a year during which the appropriator does not need all of his appropriation prevent the use from being adverse? Then, too, what priority shall the person acquiring the prescriptive right be given? Is he to be put in the exact situation of its former owner as a purchaser would be, or does this right date only from the completion of the prescriptive period? Or from its inception? Such a detailed discussion is not within the scope of this paper, but these problems and others of equal interest arising from the topic of

¹⁰⁶Conrow v. Huffine, *supra* note 21; Sayre v. Johnson, 33 Mont. 15, 81 P. 389 (1905). Miles v. Butte Elec. & Power Co., 32 Mont. 58, 79 P. 549 (1904); Toohey v. Campbell, 24 Mont. 13, 60 P. 396 (1900).

¹⁰⁷See Allen v. Petrick, 69 Mont. 373, 379, 222 P. 451, 453 (1924).

¹⁰⁸Thomas v. Ball, 66 Mont. 161, 213 P. 597 (1922).

¹⁰⁹R.C.M. §§6818, 9015.

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prescription of water rights are discussed in a Montana Law Review note¹³⁰ to which the reader is recommended.

3. Estoppel.

No Montana case wherein a water right has been held to have been lost by estoppel has been found, but the doctrine is available if a situation to which it is applicable should arise. An appropriator may lose his right by the operation of the doctrine of estoppel if by inequitable conduct or by acts or declarations he leads others to make use of his water rights in reliance thereon. Usually some degree of turpitude on the part of the appropriator is required before he will be estopped, such as misleading statements or acts, or concealment of facts by silence, plus an intent to deceive or at least an expectation that the other party will act.¹³¹ Silence while another acts may or may not be the basis of estoppel, depending on the circumstances.

D. Water Commissioners—Administration of Rights and Distribution of Water.

1. Appointment.

Once the rights in a water supply have been adjudicated, the owners of fifteen per cent of the water rights affected by the decree may petition the court to appoint one or more commissioners to admeasure and distribute to all the parties the waters to which they are entitled under the decree. Any person owning stored waters, including the state water conservation board, may likewise petition to have such waters distributed by commissioners already appointed if it does not interfere with decreed water rights, in order to provide a uniform, equitable and economical distribution of waters.¹³² Where a water supply or system lies in more than one county, the district court of any county in which it lies may adjudicate the entire supply,¹³³ and the one first acquiring jurisdiction retains it for the purpose of disposing of the entire controversy, so has the exclusive right to appoint water commissioners for the system.¹³⁴ The commissioner's pay is fixed in the order of appoint-

¹³⁰Note and Comment, *Water Rights: Prescriptive Right to Use of Water in Montana*, 3 Mont. L. Rev. 135 (1942).

¹³¹Cf. *Sherlock v. Greaves*, *supra* note 97.

¹³²R.C.M. §§7136, 7137.

¹³³*Whitcomb v. Murphy*, 94 Mont. 562, 23 P. 2d 980 (1933).

¹³⁴*State v. District Court*, 107 Mont. 203, 82 P. 2d. 779 (1938).

ment,¹¹⁵ and his tenure is fixed by the appointing judge, to begin on petition by at least three persons entitled to the use of the waters in question, and may at any time be changed on such petition or in the discretion of the court.¹¹⁶ If the owners of at least fifty-one per cent of a system request it, the court may also empower the commissioner to maintain and repair the system at the owners' expense, vesting in him all authority necessary to accomplish that purpose.¹¹⁷ All persons using water from a supply for which a commissioner is appointed must provide and maintain a headgate and measuring device at their points of diversion on pain of having their water withheld until they do so.¹¹⁸

A commissioner may also be appointed if requested in the petition in an action to determine rights in a ditch owned by a partnership, corporation or tenants in common, to distribute the water according to the respective rights during the pendency of the action,¹¹⁹ and afterwards if desired by the owners of ten per cent of the waters in the ditch.¹²⁰

2. Qualifications, Duties and Authority.

Before entering upon the discharge of his duties, each water commissioner must file with the clerk of the district court appointing him a signed oath of office and a bond with two or more sureties for the faithful performance of his duties in such sum as the court may designate.¹²¹ No qualifications of education or experience are prescribed, but doubtless the appointing courts choose men qualified for the position.

A commissioner must distribute the water of which he has charge in accordance with the decree of adjudication subject to the further order of the court.¹²² If he misinterprets the decree or instructions he is subject to correction on petition of a dissatisfied water user,¹²³ and if he fails to perform any of the duties imposed upon him by the order of the court he is guilty of contempt of court.¹²⁴ He must keep a daily record of water

¹¹⁵R.C.M. §7136.

¹¹⁶R.C.M. §7139.

¹¹⁷R.C.M. §7141.

¹¹⁸R.C.M. §7151. See *Tucker v. Missoula Light*, *supra* note 22 at 99, 250 P. at 14.

¹¹⁹R.C.M. §§7152-7157.

¹²⁰R.C.M. §§7158-7159.

¹²¹R.C.M. §7138.

¹²²R.C.M. §§7136, 7154.

¹²³R.C.M. §7150.

¹²⁴R.C.M. §7142.

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distribution, and file a summary monthly with the clerk of the court including a table showing the proportion of his salary charged against each user daily.²²⁶

To accomplish his purposes, the commissioner has authority to build headgates or dams, repair ditches, and incur other expenses where necessary and charge the lands with them.²²⁷ He may enter all lands in the performance of his duty to make necessary inspections and adjustments of the means of distribution, and has the same powers as a sheriff or constable to arrest anyone interfering with his operations.²²⁸ Anyone interfering with the commissioner's administration of water in a disputed ditch is guilty of contempt of court.²²⁹ Cases concerned with water commissioners are quite rare, but those few found pertinent are mentioned in the footnotes to this section.

III. CONCLUSION

Montana's primary need in the field of water law appears to be a centralized system of administration, to control the determination of existing rights, the distribution of water among those entitled to its use and the acquisition of new rights. The present system of appropriation by notice-posting and determination of rights by private suits in which it is not necessary to join all parties concerned is regarded by all who comment upon it as antiquated and outdated, having been abandoned since 1919 by every other western state. Where centralized systems have been adopted, the state's supervision and control is exercised through the state engineer or an administrative agency, with the function of the courts usually limited to deciding questions of priority of appropriation or appeals from administrative decisions. Montana has both a state engineer and an administrative agency, the state water conservation board, and needs only to have the legislature broaden the scope of their activities. A step in this direction was taken in 1939 as described above when the state engineer was authorized to sue for adjudication of streams, but the system is still administered by water commissioners appointed by local courts and records are required to be filed only in the office of the clerk of the court concerned.

The advantage to the public of a centralized system of

²²⁶R.C.M. §7144.

²²⁷R.C.M. §§7140, 7145, 7146.

²²⁸R.C.M. §§7143, 7155.

²²⁹R.C.M. §7157.

administration of water rights lies in the high degree of order and definiteness of rights which it affords. Priorities to water in a long stream system become a matter of record in one office, instead of being based on filings in a number of counties and upon acts of appropriation that may not become matters of record. Determinations of rights are made in comprehensive proceedings, based on public records and surveys, in which the state engineer participates, rather than in a multiplicity of suits between individuals. Distribution of water according to priorities in water supplies is coordinated under one public authority instead of being in the hands of water commissioners responsible only to the courts which appoint them. Economy to the public should also result from having permanent salaried water commissioners covering certain water districts, for at present their fees are limited only by the discretion of the courts.

Of course applications of centralized systems have not been uniform even where statutes have been enacted authorizing them, but since the first centralized control was set up over fifty years ago it has been shown that such a plan is workable, and the system is generally conceded in the West to have been of marked public benefit. None of the states which have imposed public control have receded from the principle, though specific functions have been rendered inoperative by unfavorable court decisions.

A contrary argument is that strict control is not needed because of the state's water supply, large for an arid region, averaging about fifteen inches yearly as compared to three or four in some of the other western states. Also, no pressing need appears, and the general inertia present when things are going satisfactorily helps prevent action. Still, some degree of improvement and benefit to the public is practically certain if Montana adopts legislation to centralize its system of administration of water rights. With all the records of success and failure to profit from in the experiences of the other western states, Montana, if she chooses, should be able to build herself the model of model water codes.

THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

WHEREAS, the Act of Congress approved August 9, 1912, entitled "An Act providing for patents on reclamation entries, and for other purposes," provides-- as extended by the Act of July 17, 1914 (38 Stat. 510):---

"That every patent and water-right certificate issued under this Act shall expressly reserve to the United States a prior lien on the land patented or for which water right is certified, together with all water rights appurtenant or belonging thereto, superior to all other liens, claims or demands whatsoever for the payment of all sums due or to become due the United States or its successors in control of the irrigation project in connection with such lands and water rights."

Payment
for land
and water

And it is further provided:

"That no person shall at any one time or in any manner, except as hereinafter otherwise provided, acquire, own or hold irrigable land for which entry or water-right application shall have been made under the said reclamation Act of June seventeenth, nineteen hundred and two, and Acts supplementary thereto and amendatory thereof, before final payment in full of all installments of building and betterment charges shall have been made on account of such land in excess of one farm unit as fixed by the Secretary of the Interior as the limit of area per entry of public land or per single ownership of private land for which a water right may be purchased respectively, nor in any case in excess of one hundred and sixty acres, nor shall water be furnished under said Acts nor a water right sold or recognized for such excess; but any such excess land acquired at any time in good faith by descent, by will, or by foreclosure of any lien may be held for two years and no longer after its acquisition; and every excess prohibited as aforesaid shall be forfeited to the United States by proceedings instituted by the Attorney General for that purpose in any court of competent jurisdiction; and this proviso shall be recited in every patent and water-right certificate issued by the United States under the provisions of this Act."

And WHEREAS, it appears from a Certificate of the Register at Great Falls, Montana, R.F.B. Ronan, that Velma McGourty, Assignee by mesne conveyance of Faye Jager, formerly Faye Johns, is, under the provisions of said Act, entitled to a patent for the Farm Unit "F", according to the Farm Unit Plat, or the northeast quarter of the southwest quarter and the northwest quarter of the southeast quarter of Section four in Township twenty north of Range twenty-one west of the Principal Meridian, Montana, containing eighty acres, according to the Official Plat of the Survey of the said Land, on file in the General Land Office:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said Velma McGourty and to her heirs, the Tract above described, together with the right to the use of water from the Flathead Reclamation Project as an appurtenance to the irrigable lands in said tract; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature, thereunto belonging, unto the said Velma McGourty and to her heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; but excepting, nevertheless, and reserving unto the United States, all rights of way over, across, and through said lands for canals constructed, or to be constructed, by its authority, all in the manner prescribed and directed by the Act of Congress

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approved August 30, 1890 (26 Stat., 391). To secure payment to the United States, or its successors in the ownership or control of the works constituting and appertaining to the said reclamation project, of all sums due or to become due the United States or its successors in control of said reclamation project in connection with said land and water rights, a lien prior and superior to all other liens, claims, or demands whatsoever upon the lands herein and hereby described and conveyed, upon all water rights thereto appurtenant, and upon the right to receive and use water from the reservoirs and canals of said reclamation project, is expressly reserved.

IN TESTIMONY WHEREOF, I Franklin D. Roosevelt, President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed. GIVEN under my hand, in the District of Columbia, the EIGHTEENTH day of JULY in the year of our Lord one thousand nine hundred and THIRTY-FOUR and of the Independence of the United States the one hundred and FIFTY-NINTH.

By the President: Franklin D. Roosevelt

By Louise Polk Wilson, Secretary

(UNITED STATES GENERAL LAND OFFICE SEAL)

Ruth Leckell

RECORDED: Patent Number 1070972 Recorder of the General Land Office

Filed for record October 5, 1937 at 2:05 o'clock P. M.

W. A. Jensen, Clerk and Recorder. By Bernt Langmuir, Deputy.

Quit Claim Deed.

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THIS INDENTURE, Made the 30th day of September in the year of our Lord one thousand nine hundred and thirty seven between Samuel Edward Lee, husband of Mary Lee, of Sanders County, Montana, the party of the first part, and Edward Lee, of Sanders County, Montana, the party of the second part, and Samuel Edward Lee of Sanders County, Montana, the party of the third part.

WITNESSETH: That the said party of the FIRST part has paid to the said party of the SECOND part the sum of One Dollars, (\$1.00) as full and complete consideration for the said party of the SECOND part's receipt of which is hereby acknowledged. The said party of the SECOND part has received from the said party of the FIRST part the sum of One Dollars, (\$1.00) as full and complete consideration for the said party of the SECOND part's receipt of which is hereby acknowledged. The said party of the SECOND part has received from the said party of the FIRST part the sum of One Dollars, (\$1.00) as full and complete consideration for the said party of the SECOND part's receipt of which is hereby acknowledged. The said party of the SECOND part has received from the said party of the FIRST part the sum of One Dollars, (\$1.00) as full and complete consideration for the said party of the SECOND part's receipt of which is hereby acknowledged.

lots numbered one and two

thereof on the

County, Montana

between the

division and

the first

Joseph E. Cline

Filed in the office of the City Clerk of the City of Polson, this the 2nd day of August, 1915.

State of Montana,)
County of Flathead) SS

H. R. Hanson, City Clerk.

Paul M. Wishon
Notary Public for the State of Mont.
Residing at Polson, Montana.
My commission expires March 31st, 1916.

E. J. Green, County Recorder, By J. R. Votrinz, Deputy. Recpt. No. 3795

BARGAIN AND SALE DEED.

WITNESSETH: That the said parties of the first part for and in consideration of the sum of One Dollar (\$1.00) to them in hand paid in lawful money of the United States of America, receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the party of the second part, its successors and assigns forever, all their right, title, and interest in and to the following described water and water-right, situate lying and being in the County of Flathead, State of Montana, to-wit:

The Charles Allard water right, the notice of location of which was dated

Water Right sold Allotment

The water and water right hereby sold and conveyed is sold and conveyed for municipal purposes in the City of Polson, Montana, also for power and mechanical purposes, and in conformity to a certain deed from Charles and Lulu Allard to J. H. Cline one of the grantors herein. There is expressly reserved and excepted from this grant the right for Charles and Lulu Allard to use the water for irrigation and domestic purposes in so far as such use will not interfere with the use of the water by said party of the second part, its successors and assigns, for municipal purposes in the said City of Polson, and also for Power and Mechanical purposes; It being expressly understood and agreed that Charles Allard and Lulu Allard, their heirs and assigns forever, shall have the right to use any and all overflow of such water flowing over the dam, said party of the second part is to build and erect on and across said stream from which the water herein question is appropriated at a point above the lands belonging to said Charles Allard and Lulu Allard, so that the over flow therefrom will naturally reach the lands belonging to the said Charles Allard and Lulu Allard, through the ditches, flumes and canals now belonging to them.

Together with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining and the reversion and reversions, remainder and remainder, rents, issues and profits thereof, and also all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances unto the said party of the second part and to its successors and assigns forever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands the day and year first above written.

J. H. Cline

Etha M. Cline

State of Montana)
County of Flathead) SS

On this 27th day of November 1915, before me A. J. Lowary, a Notary Public within and for the state of Montana, personally appeared J. H. Cline and Etha M. Cline, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

A. J. Lowary

Notary Public for the State of Montana
Residing at Polson, Montana.

My commission expires July 9, 1916,

State of Montana
Notarial Seal
A. J. Lowary

WHEREAS pursuant to the said application the Hon Mayor and Council of the City of Polson, on the 14th day of June, 1915 passed Ordinance No. 97 which is recorded in Book 1 of Ordinances of the City of Polson, State of Montana, on pages Nos. 199, 200, 201, 202 and 203, and said City Council issued an order upon its minutes calling an election for July 20th, 1915 for the purpose of submitting to the qualified freeholder electors within said City, and WHEREAS at the said election held in the said City of July 20, 1915, the vote being as follows: Eighty for the granting of the franchise and four against the granting of the franchise, the majority was in favor of the granting of the said franchise, and

WHEREAS the Hon. Mayor and Council of the City of Polson, on the 2nd day of August 1915, regularly passed, approved and adopted a franchise, the same being Ordinance No. 103, granting to Joseph H. Cline the rights prayed for in said application, said Franchise and Ordinance No. 103 were duly recorded in Book 1 of Ordinances of the City of Polson, on pages Nos. 225, 226 and 227 and

WHEREAS pursuant to Section 10 of said Franchise Joseph H. Cline on the 2nd day of August, 1915 filed with the said City Council his written acceptance of the terms and conditions of said franchise, which said written acceptance was recorded in Book 1 of the Ordinances of the City of Polson, on Pages 227 and 228, and

WHEREAS The Mission Range Power Company, a Montana corporation has purchased from Joseph H. Cline all his rights and interests in and to the said Franchise as shown by Ordinance No. 103

NOW THEREFORE I, Joseph H. Cline of Polson, Montana, for value received do hereby grant, bargain, sell, assign and convey unto the Mission Range Power Company, a Montana corporation, its successors and assigns, all my rights, interests and title in and to the said Joseph H. Cline Franchise, same being Ordinance No. 103 of the City of Polson, Montana, which was duly recorded in Book 1 of Ordinances of the City of Polson, on pages Nos. 225, 226, 227, and 228 and which was duly recorded in the office of the County Clerk and Recorder of the Flathead County, Montana, on the 27th day of November A. D. 1915, in Miscellaneous Real Estate Record Book 144 on page 1.

It is expressly understood that the said Joseph H. Cline, grantor, does hereby grant, sell and convey to the Mission Range Power Company, the grantees herein, all his rights under the said Franchise for the purpose of erecting, installing, and operating the Electric Light and Power Plant, and using the streets, avenues, alleys, highways, bridges, parks, and other public places of said City for constructing and maintaining therein, thereover and thereunder a system of electric current distribution, including the right to erect all poles, wires, conduits, transformers, apparatus, and other appliances and appurtenances incident to and necessary or proper for transforming, transmitting, distributing, selling or leasing electricity and electric power to the City of Polson, the inhabitants thereof, and to others.

State of Montana)
County of Flathead) SS

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal
the day and year in this certificate first above written.

- - A. J. Lowery

Notary Public for the State of Montana.

Residing at Polson, Montana.

Recorded at request of A. J. Lowery Nov. 29th, 1915, at 8:47 A. M.

E. J. Green, County Recorder, By J. R. Wotring, Deputy. Recept. no. 3815

CONTRACT FOR TRANSMISSION LINE RIGHT-OF-WAY.

I, Walter C. Stimson, a single man, of the City of Corvallis and the State of Oregon, by C. Stimson of Polson, Montana, my Attorney-in-fact, for and in consideration of the sum of One Dollar (\$1.00) lawful money of the United States of America paid by the Mission Range Power Company, a Montana Corporation authorized to do business in Montana, receipt of which is hereby acknowledged do hereby convey and warrant unto said Mission Range Power Company, second part, its successors and assigns, the perpetual right and easement to erect and maintain a line of poles and wires with all necessary anchors, guys and braces over and across land owned by first party in Township 22 North, Range 19 West, County of Flathead, State of Montana. described as follows, to-wit:

The route to be taken by said pole line across said land being more specifically described as follows:

Together with the right to enter upon said premises for the purpose of erecting such poles and supports and stringing said wires and repairing or removing the same, and the right to trim or remove such trees as interfere with said line.

Walter C. Stinson

to be the person whose name is subscribed to the foregoing instrument as the Attorney-in-fact of Walter C. Stimson, and acknowledged to me that he subscribed the name of Walter C. Stimson thereto as principal, and his own name as Attorney-in-fact.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

A. J. Lowary

State of Montana

Notary Public for the State of Montana

Notarial Seal

Residing at Polson, Montana.

A. J. Lowary.

My commission expires July 9, 1916.

Recorded at request of A. J. Lowary, Nov. 29, 1915, at 8:48 A. M.

E. J. Green, County Recorder, By J. R. Wotring, Deputy. Recpt. No. 3814.

Transcribed from Records of Flathead County. Book 144-Miscellaneous Page 8.

CONTRACT FOR TRANSMISSION LINE RIGHT-OF-WAY.

MISSION RANGE POWER COMPANY.

I, Evelyn N. Anderson, a single woman, party of the first part, in consideration of One Dollars (\$1.00) paid by the Mission Range Power Company, a Montana corporation, authorized to do business in Montana, receipt of which is hereby acknowledged do hereby convey and warrant unto said Mission Range Power Company, second party its successors and assigns, the perpetual right and easement to erect and maintain a line of poles and wires with all necessary anchors, guys and braces over and across land owned by first party in township 22 North, Range 19 West, County of Flathead, State of Montana, described as follows, to-wit:

The SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ Sec. 4.

The route to be taken by said pole line across said land being more specifically described as follows:

Beginning at the $\frac{1}{2}$ cor. on Sec. line between Secs. 4 and 5, T. 22 N. R. 19 W., thence running North 21° 51' E., 1361 feet, thence N. 33° 21' E., 68 feet.

Together with the right to enter upon said premises for the purpose of erecting such poles and supports and stringing said wires and repairing or removing the same, and the right to trim or remove such trees as interfere with said line.

WITNESS the hand and seal of party of the first part this 27th day of November A. D. 1915.

Evelyn N. Anderson

In presence of

A. J. Lowary

State of Montana, County of Flathead, SS.

On this 27th day of November A. D. 1915, before me, a Notary Public in and for said County, personally appeared Evelyn N. Anderson a single woman to me known to be the same persons described in and who executed the within instrument and

Transcribed from Records of Flathead County Book 144-Miscellaneous Page 9.

CONTRACT FOR DEED.

THIS AGREEMENT, Made and entered into this 15th day of November A. D. 1915, by and between John Westvong (a single man) of Bryant of the County of Snohomish and State of Washington, party of the first part, and John C. Olsen of the County of Flathead and State of Montana, party of the second part:

WITNESSETH, That if the party of the second part shall first make the payments and perform the covenants, hereinafter mentioned on his part to be made and performed, the said party of the first part hereby covenants and agrees to convey and assure the said party of the second part, in fee simple, clear of all incumbrances whatever, by a good and sufficient deed, the lot, piece, or parcel of ground, situate in the County of Flathead and State of Montana, known and described as The East Half of the Southeast quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Eleven (11), Township Twenty-two (22) North of Range Twenty-two (22) West of the Montana Meridian, containing eighty (80) acres.

and the said party of the second part hereby covenants and agrees to pay to the said party of the first part the sum of Twelve Hundred and no/100 Dollars, payable at Arlington, State Bank, Arlington, Wash., in the manner following:

The sum of \$3137.60 at or before the execution of this contract, receipt whereof is hereby acknowledged.

The sum of \$1062.40 on or before the 1st day of January 1916; after all mortgages, taxes interests and claims have been paid therefrom, being The John Hanson mortgage, amount of \$350.00 and accrued interest, and taxes for one year, with interest at the rate of ten per cent per annum, payable annually, on the whole sum remaining from time to time unpaid; and First party agrees to pay all taxes, assessments or impositions that may be legally levied or imposed upon said land, up and including Jan. 1st, 1916, and any interest. And in case of the failure of the said party of the second part, to make either of the payments, or interest thereon or any part thereof, or perform any of the covenants on his part hereby made and entered into, then the whole of said payment and interest shall, at the election of said first party become immediately due and payable, and this contract shall, at the option of the party of the first part, be forfeited and determined by giving to said second party thirty days; notice, in writing, of the intention of the said first part to cancel and determine this contract, setting forth in said notice, the amount due upon said contract, and the time and place, when and where, payment can be made by said second party.

It is mutually understood and agreed by and between the parties to this contract that thirty days is a reasonable and sufficient notice to be given to said second party, in case of failure to perform any of the covenants on his part hereby made and entered

NOTICE OF APPROPRIATION.

STATE OF MONTANA,

County of Missoula ss.

To All Whom These Presents May Concern:

Be it Known, That Henry Clairmont, for himself, his wife Mary M., and minor child Alma May Clairmont of Flathead Reservation in said County and State, do hereby publish and declare, as a legal notice to all the world, as follows, to-wit:

I. That they have a legal right to the use, possession and control of and claim Three hundred and twenty (320) inches of the waters of Crow Creek in said County and State, for irrigating and other purposes.

II. That the purpose for which said water is claimed, and the place of intended use is for domestic and irrigating purposes on the 8 1/2 SE 1/4, SE 1/4 & E 1/4 and 8 E 1/4 SW 1/4 of Sec. 18; S 1/2 NW 1/4 Sec. 17; and S 1/2 NW 1/4 Sec. 16, all in Twp. 21 N. R. 19 W. N. M.

III. That the means of diversion, with size of flume, ditch, pipe or aqueduct, by which they intend to divert the said water is as follows: A ditch 54 inches by 22 inches in size, which carries and conducts 1040 inches of water from said Creek; which said ditch diverts the waters from said stream at a point upon its right bank, and runs thence in a westerly direction.

thence over and upon said land (or mining Claim.)

IV. That they appropriated and took said water on the 10th day of October A. D. 1900, by means of said ditch

V. That the names of the appropriators of said water are as written above.

VI. That they also hereby claim said ditch and the right of way therefor, and for said water by it conveyed, or to be conveyed, from said point of appropriation to said land or point of final discharge, and also the right of location upon any lands of any dams, flumes, reservoirs, constructed or to be constructed, by them in appropriating, and in using said water.

VII. That they also claim the right to keep in repair and to enlarge said means of water appropriation at any time, and the right to dispose of the said right, water, ditch or said appurtenances in part or whole, at any time.

Claiming the Same, All and Singular, Under any and all laws, National and State, and local rulings and decisions thereunder, in the matter of water rights.

Together with All and Singular, The hereditaments and appurtenances thereunto belonging and appertaining, or to accrue to the same.

WITNESS my hand at St. Ignace Montana, this 30th day of November 1907 Henry Clairmont

STATE OF MONTANA,

County of Missoula ss.

Henry Clairmont having first been duly sworn, depose and say that he is of lawful age and is the appropriator and claimant of the water and water right mentioned in the foregoing notice of appropriation and claim, and the person whose name is subscribed thereto as the appropriator and claimant, that he knows the contents of said foregoing notice and that the matters and things therein stated are true.

Henry Clairmont

Subscribed and sworn to before me, this 30th day of November A. D. 1907



George H. Beckwith
Notary Public in and for
Missoula County, Montana.

Received for record the 17th day of Dec.

1907, at 9²³ o'clock A. M.
H. H. Smith County Recorder.
By [Signature] Deputy.

Prior
water

NOTICE OF APPROPRIATION.

STATE OF MONTANA,

County of MissoulaFlethead Reservation

To All Whom These Presents May Concern:

Be it Known, That Caroline E. Poullier, Co. 1794, for herself and her minor children Ernest, Delia, Joseph, Zebua and John Poullier of Flethead Reservation in said County and State, do hereby publish and declare, as a legal notice to all the world, as follows, to-wit:

I. That they have a legal right to the use, possession and control of and claim Five hundred and sixty (560) inches of the waters of Cross Creek in said County and State, for irrigating and other purposes.

II. That the purpose for which said water is claimed, and the place of intended use is for domestic and irrigating purposes on NE 1/4 and E 1/2 NW 1/4 Sec. 19; S 1/2 S 1/2 of Sec. 18, and NW 1/4 NW 1/4, and N 1/2 NW 1/4 Sec. 18; and SW 1/4 NW 1/4 Sec. 7, all in Twp 21 N. R. 19 W. M.

III. That the means of diversion, with size of flume, ditch, pipe or aqueduct, by which they intend to divert the said water is as follows: A ditch 5-4 inches by 22 inches in size, which carries and conducts 1040 inches of water from said Cross Creek, which said ditch diverts the waters from said stream at a point upon its right bank, and runs thence in a westerly direction

thence over and upon said land (or mining Claim.)

IV. That they appropriated and took said water on the 10th day of October A. D. 1907, by means of said ditch

V. That the names of the appropriators of said water are as written above

VI. That they also hereby claim said ditch and the right of way therefor, and for said water by it conveyed, or to be conveyed, from said point of appropriation to said land or point of final discharge, and also the right of location upon any lands of any dams, flumes, reservoirs, constructed or to be constructed, by them in appropriating, and in using said water.

VII. That they also claim the right to keep in repair and to enlarge said means of water appropriation at any time, and the right to dispose of the said right, water, ditch or said appurtenances in part or whole, at any time.

Claiming the Same, All and Singular, Under any and all laws, National and State, and local rulings and decisions thereunder, in the matter of water rights.

Together with All and Singular, The hereditaments and appurtenances thereunto belonging and appertaining, or to accrue to the same.

WITNESS my hand and signature Montana, this 13th day of Dec. 1907 Caroline E. Poullier

STATE OF MONTANA,

County of Missoula

Caroline E. Poullier having first been duly sworn, depose and say that she is of lawful age and the appropriator and claimant of the water and water right mentioned in the foregoing notice of appropriation and claim, and the person whose name is subscribed thereto as the appropriator and claimant, that she knows the contents of said foregoing notice and that the matters and things therein stated are true.

Caroline E. Poullier

Subscribed and sworn to before me, this 13th day of Dec. A. D. 1907

George H. Beskwith, Notary
Public in and for
Missoula County, Montana

Received for record the 17th day of Dec. 1907, at 9²³ o'clock A. M.

H. H. Smith County Recorder.
By _____ Deputy.

NOTICE OF APPROPRIATION.

BOOK F PAGE 285

STATE OF MONTANA,

County of Missoula

To All Whom These Presents May Concern: -

Be it Known, That Alexander Ashleyof Flethead Reservation in said County and State, do hereby publish and declare, as a legal notice to all the world, as follows, to-wit:

I. That he has a legal right to the use, possession and control of and claim One hundred and forty (140) inches of the waters of Finley Creek in said County and State, for irrigating and other purposes.

II. That the purpose for which said water is claimed, and the place of intended use is for domestic and irrigating purposes on N¹/₄ E¹/₄ Sec. 24 and E¹/₂ E¹/₄ N¹/₄ Sec. 24, and - E¹/₂ N¹/₄ Sec. 13 Twp. 16 N. R. 24 E. 7. M.

III. That the means of diversion, with size of flume, ditch, pipe or aqueduct, by which he intends to divert the said water is as follows: A ditch 24 inches by 8 inches in size, which carries and conducts 140 inches of water from said Creek; which said ditch diverts the waters from said stream at a point upon its left bank, and runs thence in a westerly direction

thence over and upon said land (or mining Claim.)

IV. That he appropriated and took said water on the 15th day of July 1887 - A. D. 1887, by means of said ditch

V. That the names of the appropriators of said water are Alexander Ashley and his mother Susan Ashley

VI. That he also hereby claim said ditch and the right of way therefor, and for said water by it conveyed, or to be conveyed, from said point of appropriation to said land or point of final discharge, and also the right of location upon any lands of any dams, flumes, reservoirs, constructed or to be constructed, by him in appropriating, and in using said water.

VII. That he also claim the right to keep in repair and to enlarge said means of water appropriation at any time, and the right to dispose of the said right, water, ditch or said appurtenances in part or whole, at any time.

Claiming the Same, All and Singular, Under any and all laws, National and State, and local court rulings and decisions thereunder, in the matter of water rights.

Together with All and Singular, The hereditaments and appurtenances thereunto belonging and appertaining, or to accrue to the same.

WITNESS my hand at Missoula Montana, this 20 day of December 1907

Alexander X Ashley
mark

STATE OF MONTANA,

County of Missoula

Alex Ashley having first been duly sworn, depose and say that he is of lawful age and is the appropriator and claimant of the water and water right mentioned in the foregoing notice of appropriation and claim, and the person whose name is subscribed thereto as the appropriator and claimant, that he know the contents of said foregoing notice and that the matters and things therein stated are true.

Witness:

Samuel Bellev

Alex X Ashley
mark

Subscribed and sworn to before me, this 20th day of Dec A. D. 1907



H. H. Smith
Notary Public in and for Missoula County, State of Montana.

Received for record the 20th day of Dec 1907, at 24 o'clock P.M.

H. H. Smith County Recorder.
By Deputy.

NOTICE OF APPROPRIATION.

BOOK

F PAGE 286

STATE OF MONTANA,

County of MissoulaFlathead Reservation

To All Whom These Presents May Concern:

Be it Known, That Sophie Allard, No. 1736 for herself and minor daughter Maryof Flathead Reservation in said County and State, do hereby publish and declare, as a legal notice to all the world, as follows, to-wit:

I. That they ha a legal right to the use, possession and control of and claim One Hundred and sixty (160) inches in size, which carries and the waters of Cross Creek inches of in said County and State, for irrigating and other purposes.

II. That the purpose for which said water is claimed, and the place of intended use is for domestic and irrigating purposes on 1/2 SW 1/4, 1/4 SW 1/4, and SW 1/4 Sec 17, Twp. 21 N. R. 10 W. N. 1.

III. That the means of diversion, with size of flume, ditch, pipe or aqueduct, by which They intend to divert the said water is as follows: A ditch 57 inches by 22 inches in size, which carries and conducts 1040 inches of water from said Creek; which said ditch diverts the waters from said stream at a point upon its right bank, and runs thence in a westerly direction.

thence over and upon said land (or mining Claim.)

IV. That they appropriated and took said water on the 10th day of October A. D. 1902, by means of said ditch.

V. That the names of the appropriators of said water are as written above.

VI. That they also hereby claim said ditch and the right of way therefor, and for said water by it conveyed, or to be conveyed, from said point of appropriation to said land or point of final discharge, and also the right of location upon any lands of any dams, flumes, reservoirs, constructed or to be constructed, by them in appropriating, and in using said water.

VII. That they also claim the right to keep in repair and to enlarge said means of water appropriation at any time, and the right to dispose of the said right, water, ditch or said appurtenances in part or whole, at any time.

Claiming the Same, All and Singular, Under any and all laws, National and State, and local rulings and decisions thereunder, in the matter of water rights.

Together with All and Singular, The hereditaments and appurtenances thereunto belonging and appertaining, or to accrue to the same.

WITNESS my hand at St. Ignace Montana, this 24th day of Dec. 1907.

Sophie Allard

STATE OF MONTANA,

County of Missoula

Sophie Allard having first been duly sworn, depose and say that he is of lawful age and is the appropriator and claimant of the water and water right mentioned in the foregoing notice of appropriation and claim, and the person whose name is subscribed thereto as the appropriator and claimant, that he know the contents of said foregoing notice and that the matters and things therein stated are true.

Sophie Allard

Subscribed and sworn to before me, this 24th day of December A. D. 1907.

Geo. H. Beechwith

George H. Beechwith
Notary Public in and
for Missoula County, Montana.

Received for record the 26th day of Dec.

1907, at 9:00 o'clock A. M.

H. H. Smith County Recorder.

By Deputy.

-2399-

NOTICE OF APPROPRIATION.

BOOK F PAGE 287

STATE OF MONTANA,

County of Missoula

To All Whom These Presents May Concern: -

Be it Known, That Frank Ashley, for his two minor sons Alexander and Edward Ashley, Nos. 617 and 618 respectively of Flathead Reservation in said County and State, do hereby publish and declare, as a legal notice to all the world, as follows, to-wit:

I. That they have a legal right to the use, possession and control of and claim One hundred and sixty (60) inches of the waters of Sky Creek in said County and State, for irrigating and other purposes.

II. That the purpose for which said water is claimed, and the place of intended use is for domestic and irrigating purposes on 1/2 Sec. 30 and 1/2 Sec. 19, both in Twp. 18 N. R. 19 E. M. 7.

III. That the means of diversion, with size of flume, ditch, pipe or aqueduct, by which they intend to divert the said water is as follows: A ditch inches by 2 X 3 X 1-1/2 inches in size, which carries and conducts 160 inches of water from said Creek; which said ditch diverts the waters from said stream at a point upon its left bank, and runs thence in a southerly direction -

thence over and upon said land (or mining Claim.)

IV. That they appropriated and took said water on the 15th day of September, 1897 A. D. 1897, by means of said ditch

V. That the named of the appropriator as of said water are as written above

VI. That they also hereby claim said ditch and the right of way therefor, and for said water by it conveyed, or to be conveyed, from said point of appropriation to said land or point of final discharge, and also the right of location upon any lands of any dams, flumes, reservoirs, constructed or to be constructed, by them in appropriating, and in using said water.

VII. That they also claim the right to keep in repair and to enlarge said means of water appropriation at any time, and the right to dispose of the said right, water, ditch or said appurtenances in part or whole, at any time. Claiming the Same, All and Singular, Under any and all laws, National and State, and local rulings and decisions thereunder, in the matter of water rights.

Together with All and Singular, The hereditaments and appurtenances thereunto belonging and appertaining, or to accrue to the same.

WITNESS my hand at St. Ignace Montana, this 27th day of Dec. 1907

Frank Ashley

STATE OF MONTANA,

County of Missoula

Frank Ashley having first been duly sworn, depose and say that he is of lawful age and is the appropriator and claimant of the water and water right mentioned in the foregoing notice of appropriation and claim, and the person whose name is subscribed thereto as the appropriator and claimant, that he knows the contents of said foregoing notice and that the matters and things therein stated are true.

Frank Ashley

Subscribed and sworn to before me, this 27th day of December A. D. 1907

George H. Breakwith
Notary Public in and
for Missoula County, Montana.

Received for record the

28th day of Dec.

1907, at 9 o'clock A. M.

H. H. Smith County Recorder.

By Deputy.

2420

Compared.

BOOK

F PAGE 288

NOTICE OF APPROPRIATION.

STATE OF MONTANA,

County of Missoula

To All Whom These Presents May Concern:

Be it Known, That The Society of Jesus, legally incorporated and known as the Montana Catholic Mission, Inc., a corporation of in said County and State, do hereby publish and declare, as a legal notice to all the world, as follows, to-wit:

I. That it has a legal right to the use, possession and control of and claims thirty (30) inches of the waters of Campo Spring in said County and State, for irrigating and other purposes.

II. That the purpose for which said water is claimed, and the place of intended use is for irrigation, watering live stock and other domestic and beneficial uses. The place of intended use is on the West half of the Northwest quarter of the Northeast quarter of the NW 1/4 of Section Fourteen (14), Township Eighteen (18) North Range Seventy (20) West of Montana Meridian.

III. That the means of diversion, with size of flume, ditch, pipe or aqueduct, by which it intends to divert the said water is as follows: it from spring inches by inches in size, which carries and conducts thirty inches of water from said which said diverts the waters from said stream at a point upon the ditch and runs thence out and into the said described land.

IV. That it appropriated and took said water from the day of Dec 1907 by means of said in the fall of the year 1906.

V. That the name of the appropriator of said water is the Society of Jesus, legally incorporated and known as the Montana Catholic Mission, Inc., a corporation

VI. That it also hereby claim said ditch and the right of way therefor, and for said water by it conveyed, or to be conveyed, from said point of appropriation to said land or point of final discharge, and also the right of location upon any lands of any dams, flumes, reservoirs, constructed or to be constructed, by it in appropriating, and in using said water.

VII. That it also claim the right to keep in repair and to enlarge said means of water appropriation at any time, and the right to dispose of the said right, water, ditch or said appurtenances in part or whole, at any time.

Claiming the Same, All and Singular, Under any and all laws, National and State, and all rulings and decisions thereunder, in the matter of water rights.

Together with All and Singular, The hereditaments and appurtenances thereunto belonging and appertaining, or to accrue to the same.

WITNESS The Corrupt signature of said Society of Jesus legally incorporated and known as the Montana Catholic Mission, Inc., a corporation Montana, this 19th day of December 1907, By Rev. L. Jaclman, S.J., its agent.

STATE OF MONTANA,

County of Missoula

Rev. L. Jaclman, S.J. having first been duly sworn, depose and say that he is the agent of the Society of Jesus as the Montana Catholic Mission, Inc., a corporation of lawful age and legally incorporated and known as the Montana Catholic Mission, Inc., a corporation water and water rights mentioned in the foregoing notice of appropriation and claim, and the person whose name is subscribed thereto as the appropriator and claimant, that he knows the contents of said foregoing notice and that the matters and things therein stated are true. That he makes this affidavit as such agent and for and on behalf of said corporation. Rev. L. Jaclman, S.J.

Subscribed and sworn to before me, this 19th day of December, A. D. 1907.

(Signature)

P. J. Kline

Notary Public

Missoula County, Montana.

Received for record the

30th

day of

Dec.

1907

at 2:30

o'clock P. M.

H. H. Smith County Recorder.

By

Deputy.

To All Whom These Presents May Concern: Be It Known, that Mrs. Emily Moss, Miss Emily Moss, Gilbert Moss, Philip Moss, Theodore Moss and Joseph Moss of Flathead Reservation in said County and state do hereby publish and declare as a legal notice to all the world as follows, to-wit:

I. That they have a legal right to the use, possession and control of and claim one hundred and fifty (150) inches of the waters of Centiped Creek, in said county and state for irrigating and other purposes.

II. That the purpose for which said water is claimed and the place of intended use is for domestic and irrigating purposes on part of Sec. 4, 5, 6 and 9, Twp. 22 N. R. 19 W. M. M.

III. That the means of diversion with size of flume, ditch, pipe, or aqueduct, by which he intend to divert the said water is as follows; A ditch 36 inches by 36 inches in size, which carries and conducts 150 inches of water from said creek; which said creek diverts the water from said stream at a point upon its east bank, and runs thence-thence over and upon said land (or mining claim.)

IV. That they appropriated and took said water on the 15th day of June, A. D. 1905 by means of said ditch.

V. That the names of the appropriators of said water are as written above.

VI. That they also hereby claim said ditch and the right of way therefor, and for said water by it conveyed, or to be conveyed, from said point of appropriation to said land or point of final discharge, and also the right of location upon any lands of any dams, flumes, reservoirs, constructed or to be constructed, by them in appropriating and in using said water.

VII. That they also claim the right to keep in repair and to enlarge said means of water appropriation at any time, and the right to dispose of the said right water ditch or said appurtenances in part or whole at any time.

Claiming the same all and singular, under any and all laws, National and State and in accordance with the rulings and decisions thereunder, in the matter of water rights.

Together with all and singular, the hereditaments and appurtenances thereto belonging and appertaining or to accrue to the same.

Witness my hand at Polson, Montana, this 30 day of June, 1909.

Mrs. Emily Moss

State of Montana,)
County of Flathead.) ss

Mrs. Emily Moss having first been duly sworn, deposes and says that she is of lawful age and one of the appropriators and claimants of the water and water right mentioned in the foregoing notice of appropriation and claim, and the person whose name is subscribed thereto as the appropriator and claimant that she knows the contents of said foregoing notice and that the matters and things therein stated are true.

Mrs. Emily Moss

Subscribed and sworn to before me this 30 day of June, A. D. 1909.

(SEAL)

Frank C. Bailey

Notary Public for the State of Montana, Residing at
Polson. My Commission expires Nov. 2, 1910.

Recorded at request of F. C. Bailey this 9th day of July, 1909 at 9-30 o'clock AM

No. 2782

C.T. Young, County Recorder.

By J. H. Sausser, Deputy.

Bitterroot
Lake

R/10

LAKE COUNTY, MONTANA

Transcribed from Flathead County Records, Book 71 Water Rights, Page 363.

NOTICE OF WATER APPROPRIATION.

TO WHOM THESE PRESENTS MAY CONCERN: Be it known that J. H. S. Milbank, of Big Fork, Montana, by virtue of Section 4840 to 4891 inclusive of the Revised Codes of the State of Montana, have appropriated one cubic foot per second of time of the waters of Red's Creek, a mountain stream which flows through section thirty-three, in township twenty-five north of range nineteen west, in the direction of Flathead Lake and disappears before reaching the lake, in Flathead County, Montana.

The purposes for which said water is claimed and appropriated are domestic, mechanical, irrigation and other useful and beneficial purposes; that the place and places of intended use of said water are upon the following described land, in Flathead County, Montana, to-wit: Lot two and three of section thirty-two and lots one and two of section thirty-three in township twenty-five north, of range nineteen west.

That said waters are diverted by means of a flume and ditch about two feet wide by one foot deep into a larger flume and ditch five feet wide by eighteen inches deep, and the point of diversion is on the right bank of said stream going down from its source toward the mouth thereof, and is about two feet north of a balsam tree one foot in diameter and about twenty feet west of one fir tree about two feet in diameter and is about twenty feet up the stream from a flume constructed across said stream by William Bohannon and William Frester, and from eighty to one hundred rods above the point where the stream sinks.

The date of the appropriation is the second day of July, nineteen hundred nine.

The name of the appropriator is the undersigned,

J. H. S. Milbank

Witness my hand this 13th day of July nineteen hundred nine.

J. H. S. Milbank

State of Montana,)
County of Flathead,) ss

H. S. Milbank, being first duly sworn, says; that he is the appropriator named in and the person whose name is subscribed to, the foregoing Notice of Water Appropriation; that he has read the said notice, and knows the contents thereof, that the matters and facts contained in said notice are true.

H. S. Milbank

Subscribed and sworn to before me, this 13th day of July, 1909.

C. E. Foot

(SEAL) Notary Public for the State of Montana, Residing at Kellsell, Montana. My commission expires Aug. 10, 1909.

Recorded at request of H. S. Milbank this 13th day of July, 1909 at 4-45 o'clock PM.

C. T. Young, County Recorder.

By J. E. Sauser, Deputy.

218 No. 2886-

Transcribed from Flathead County Records, Book 71 Water Rights, Page 364.

NOTICE OF APPROPRIATION

The United States of America, |

State of Montana, |

County of Flathead, | ss

TO ALL WHOM THESE PRESENTS MAY CONCERN:

BE IT KNOWN, that the United States of America, under and by virtue of an Act of the Legislative Assembly of the State of Montana, entitled "An act authorizing the Government of the United States to appropriate the water of the streams in the State of Montana, subject to certain restrictions", approved February 27, 1906, and acting by and through E. H. Savage, Supervising Engineer the unto duly authorized by the Secretary of the Interior of the said United States in that behalf, does hereby publish and declare, as a legal notice to all the world, as follows, to-wit:

I. That the United States has a legal right to the use, possession and control of and claims one thousand ^{cubic} feet per second of the waters of Little Bitter Root River in said County and State for irrigating and other purposes.

II. That the purpose for which said water is claimed, and the place of intended use is for the purpose of irrigating thirty-five thousand acres of land on the Flathead Reservation for domestic uses, and for developing power for pumping and other purposes.

III. That the means of diversion with size of flumes, ditch pipe or aqueduct, by which it is intended to divert the said water is as follows: a rock fill and earth dam twenty feet high to store water in Little Bitter Root Lake, a diversion dam near the boundary of the Flathead Reservation and a canal leading therefrom 25 feet wide and and 5 feet deep to convey water to lands upon the reservation with sufficient laterals branching from said canal to cover said lands, the lands to be irrigated lie in Tps. 21, 22, 23 and 24 N., R. 23 and 24 W., M.P. 1. The development of power is contemplated by power houses located below said dam on said Little Bitter Root River and canal line leading therefrom.

IV. That the said United States of America, is the appropriator of said water, and said appropriation was made on the day of A. D. and said appropriation and the diversion of said waters is to be effected and consummated by means of said dams, canals and laterals.

V. That the said United States also hereby claims said ditch and the right of way therefor, and for said water by it conveyed, or to be conveyed, from said point of appropriation to said head or point of final discharge, and also the right of location upon any lands of any dams, flumes, reservoirs, constructed or to be constructed, by the United States in appropriating, and in using said water.

VI. That the said United States also claims the right to keep in repair and to enlarge said means of water appropriation at any time, and the right to dispose of said right, water, ditch or said appurtenances in part or whole, at any time.

Claiming the same, all and singular, under any and all laws, National and State and in accordance with the rulings and decisions thereunder in the matter of water rights.

Together with all and singular, the hereditaments and appurtenances thereunto belonging and appertaining, or to accrue to the same.

THE UNITED STATES OF AMERICA,

By E. H. Savage,

Its officer and agent in that behalf and thereunto duly authorized by the Secretary of the Interior.

State of Montana,
County of Lewis & Clark

ss

E. H. Savage, having first been duly sworn, deposes and says, that he is of lawful age and an officer and agent of the United States of America, the appropriator and claimant of the water and the water right mentioned in the foregoing notice of appropriation and claim, and that said water is the said appropriation of said water, and claims the said water right

for and on behalf of the said United States, as its agent thereunto duly authorized, that affiant is the person whose name is subscribed thereto as officer and agent of the appropriator and claimant the said United States; that he knows the contents of the said foregoing notice and that the matters and things therein stated are true.

H. N. Savage

Subscribed and sworn to before me this 1st day of September, A. D. 1909.

Julius Barney

(SEAL)

Notary Public in and for the County of Lewis & Clark, residing at Helena, State of Montana. My commission expires June 19th, 1910.

Recorded at request of H. N. Savage, this 16th day of Sept. 1909 at 9-00 o'clock A.M.

G. T. Young, County Recorder.

By J. M. Sausser, Deputy.

No. 2840

Transcribed from Flathead County Records, Book 71 Water Rights, Page 365.

NOTICE OF APPROPRIATION.

The United States of America, }
State of Montana, }
County of Flathead. }

TO ALL WHOM THESE PRESENTS MAY CONCERN:

BE IT KNOWN, That the United States of America, under and by virtue of an Act of the Legislative Assembly of the State of Montana, entitled: "An Act authorizing the Government of the United States to appropriate the water of the streams in the State of Montana, subject to certain restrictions" approved February 27, 1908, and acting by and through H. N. Savage, Supervising Engineer thereunto duly authorized by the Secretary of the Interior, of the said United States in that behalf, does hereby publish and declare, as a legal notice to all the world, as follows, to-wit:

I. That the said United States has a legal right to the use, possession and control of and claims one thousand cubic feet per second of the waters of Little Bitter Root River in said County and State, for irrigating and other purposes.

II. That the purpose for which said water is claimed, and the place of intended use is for the purpose of irrigating thirty-five thousand acres of land on the Flathead Reservation for domestic uses, and for developing power for pumping and other purposes.

III. That the means of diversion, with size of flume, ditch, pipe or conduit by which it is intended to divert the said water, is as follows: a rock fill and earth dam 150 feet high across said river and a canal 25 feet wide and 5 feet deep leading therefrom to lands along the said Little Bitter Root River with laterals branching from said canal to cover said lands. The lands to be irrigated lie in Tps. 21, 22, 23 and 24 N. R's 43 and 44 E. N. P. M. The development of power is contemplated by power houses located along said stream and canal, like.

IV. That the said United States of America, is the appropriator of said water and said appropriation was made on the day of A. D. and said appropriation and the diversion of said waters is to be effected and consummated by means of said dam, canal and laterals.

V. That the said United States also hereby claims said ditch and the right of way therefor, and for said water by it conveyed, or to be conveyed, from said point of appropri-

ation to said land as point of final discharge, and also the right of location upon any lands of any lands, flumes, reservoirs, constructed or to be constructed, by the United States in appropriating, and in using said water.

VI. That the said United States also claims the right to keep in repair and to enlarge said means of water appropriation at any time, and the right to dispose of said right, water, ditch or said appurtenances in part or whole, at any time.

Claiming the same, all and singular, under any and all laws, National and State, and in accordance with the rulings and decisions thereunder, in the matter of water rights.

Together with all and singular, the hereditaments and appurtenances thereto belonging and appertaining, or to accrue to the same.

THE UNITED STATES OF AMERICA

By H. N. Savage

Its officer and agent in that behalf and thereunto duly authorized by the Secretary of the Interior.

State of Montana,

County of Lewis & Clark,

H. N. Savage, having first been duly sworn, deposes and says: that he is of legal age and an officer and agent of the United States of America, the appropriator and claimant of the water and water right mentioned in the foregoing notice of appropriation and claim and that affiant makes the said appropriation of said water and claims the said water right for and on behalf of the said United States, as its agent thereunto duly authorized, that affiant is the person whose name is subscribed thereto as officer and agent of the appropriator and claimant, the said United States; that he knows the contents of the said foregoing notice and that the matters and things therein stated are true.

H. N. Savage

Subscribed and sworn to before me, this 1st day of September, A. D. 1909.

Julius Barney

(SEAL)

Notary Public in and for the County of Lewis & Clark, residing at Helena, State of Montana, My commission expires June 19th, 1910.

Recorded at request of H. N. Savage this 16th day of Sept. 1909 at 9-05 o'clock AM.

C. T. Young, County Recorder.

No. 2541.

By J. H. Souder, Deputy.

Transcribed from Flathead County Records, Book 71 Water Rights, Page 367.

NOTICE OF APPROPRIATION

The United States of America,
State of Montana,
County of Flathead.

as TO ALL WHOM THESE PRESENTS MAY CONCERN:

BE IT KNOWN That the United States of America, under and by virtue of an Act of the Legislative Assembly of the State of Montana, entitled: "An Act authorizing the Government of the United States to appropriate the water of the streams in the State of Montana, subject to certain restrictions", approved February 27, 1905, and acting through H. N. Savage, Supervising Engineer, thereunto duly authorized by the Secretary of the Interior of the said United States in that behalf, some hereby publish and declare, as a legal notice to all the

SB 262, the CSKT Water Compact

4-11-15

Testimony of Bob Sivertsen, Havre

I rise in opposition to SB 262, the CSKT Compact.

I am well aware of the \$1 million Propaganda Machine that is pushing for passage of SB 262. The Feds have been after control of Western States Water for decades. They have not been successful and are using the CSKT Compact as a means of establishing a Precedence to be used in future actions.

I have learned that some Legislators are supporting SB 262 because they have been told that the CSKT Compact is good for Montana.

I respectfully disagree and would ask that you study this bill closely before casting your vote.

I have been involved for a long time, "The CSKT Compact is the greatest assault on Mt's Constitution that I have seen."

HB 262 is precedent setting in that it requires Mt to tender to the CSKT Tribe \$55 million, the first of its kind in Mt History.

For your consideration, here are some facts to support a DO NOT PASS;

* The Salish - Kootanai Water Compact is Unconstitutional in that it usurps Montana Law. We as Montanan's have a responsibility to protect the Water Rights of not only the Indian Tribes, but those in the Private Sector as well. The CSKT Compact infringes on those who hold Private Water Rights.

* When you were sworn in, you took an Oath to Uphold the Mt Constitution. The CSKT is the greatest assault on Mt's Constitution, ever. The Feds have been trying to gain control of Mt's Water for decades. They have not been successful so are now using a different tactic, the CSKT Water Compact.

* Approval of the Compact will not end lawsuits (that's a scare tactic used by the proponents) as the Constitutionality will undoubtedly be challenged in Court.

* Private Water Right holders may have to file suit in order to get their water allocations back that they had before this Compact came about.

* Approval of the CSKT will encourage the Blackfeet and Crow Tribes to back track on their Compacts approved by Montana, in that the Blackfeet have now delayed action in Congress on their Compact that was approved in Montana. They are waiting on the out come on CSKT and if approved, they will file for more Water Rights, thus negating the Compact they agreed to. I'm told the Crow will do the same.

* The CSKT Tribe will have jurisdiction of all Waters in Western Mt, they will be allowed to meter and impose taxes on same.

* Don't be fooled when they tell you that Private Water Rights are Protected. Individual Water Rights in the 11 Western Counties, will depend on the amount of water (in any given watershed) that is allotted to the Tribe. The allocation to Private Water Right holders could be 50 - 70% of prior allocations. On dry years, the Tribes would determine how much water would be allocated to non-tribal users.

* Private Property Rights - Tribal Members will have access & right of trespass on all lands and streams in Western Mt for the purpose of Fishing. Think about this, if a Tribal Member registered a complaint that a land owner is polluting a stream and killing their fish, the Feds would no doubt intervene and then dictate land use policy. Property Values will decline appreciably.

* As a Legislator in 1979, we approved the Water Court that was charged with Adjudicating all Water in the state. The Courts have approved approx 200,000 Water Rights thus far, with but a fraction involving atty's.

This Compact will negate a lot of the work the Water Court has been doing.

The Water Court must be allowed to complete the job for which we delegated.

* The 2015 CSKT Compact needs to be defeated; lets use the \$55 million that the state would have had to pay the Salish - Kootanai under this Compact, and use it to defend our Water Rights if need be.

* You are no doubt aware that HB 427 waits in the wings, if SB 262 fails, the bill would establish a fund to defend Mt Water Rights.

* The Compact Commission violated NEPA and MEPA, in that there was not a full assessment of their proceedings nor was there an opportunity for Montanan's to fully participate.

Therefore, the Legislature would be well advised to defeat the CSKT Compact.

In conclusion, I know that you want to do the right thing by your constituency, I hope the reasons that I have given to defeat SB 262 will help as you deliberate. Thanks for all that you do.

Respectfully submitted


Bob Sivertsen

Farmer-Rancher-Businessman

Former Legislator 1974 – 82

laredoenterprises76@gmail.com

406-262-2346

Legislators Please Defeat Water Compact

Remember when Governor Marc Racicot pushed for and the Montana Legislature voted for utility deregulation? This allowed the breakup of the MT Power Company. The dams were sold to Pennsylvania Power and Light and the power lines to Northwestern Energy. This perhaps was the worst transaction in Montana's history until now.

In the MT legislature something much worse is taking place. That is the push to give a valuable resource, our water, away forever by passing the Confederated Salish and Kootenai Tribes (CSKT) water compact.

Water compacts have been done with the other tribes but this one gives CSKT not only water rights on the reservation but also off the reservation, essentially affecting all the waters west of the divide or Western Montana.

When establishing the CSKT reservation the tribe signed the Hellgate Treaty of 1855 which clearly gave said Indians the right of taking fish and hunting at all usual and accustomed places off the reservation in common with citizens of the Territory. Water was not stated in the treaty to be clear that the CSKT was not given off reservation water rights.

The law and precedence allowing off reservation rights does not exist and has to be created out of thin air which is what the MT legislature would do by passing the compact. Why should we in Eastern Montana care? If this precedence is created the other tribes can press for off reservation claims affecting all of Montana's waters.

To obtain compact support The CSKT is threatening to file 10,000 water right claims if the compact is not passed. This is not a viable threat as their claims really should go before the MT water court which has already handled over 200,000 claims.

Article IV-Implementation of Compact on page 32 of the proposed compact dated 1-12-2015 allows the tribe to lease the water off the reservation. The tribe realizes the water has a high monetary value and yet there are legislators who would give that away instead of enacting law to let the State of Montana lease this same water for the benefit of the Montana citizens who rightfully own the water. The Montana Constitution states that the state, hence the citizens own the water.

With the exception of a couple of members on the Reserved Water Right Compact Commission and the Legislative Interim Water Committee it would appear the membership was chosen to give the CSKT everything. There is no evidence of any real negotiating, politics as usual.

The CSKT is spending millions to pass the compact on political donations, funding groups such as the Water Stewards and even hiring the public relations firm Mercury that former U.S. Representative Denny Rehberg was associated with. The stakes are high and CSKT will be laughing all the way to the bank if the compact passes.

There already are times when push comes to shove involving water. Please contact your legislators to oppose this give away. History will not be kind to those who vote for the CSKT Compact to give our water away.

Ron Hepp, a Great Falls area irrigated farmer

April 11, 2015

Patrick Verlanic

I'm an irrigator on Flint Creek. *water right holder*

I'm opposed to SB 262.

For the following reasons.

The Anaconda Company had a 1904 storage right on the Clark Fork River for the sole purpose of generating electricity. How does a storage right for the purpose of generating electricity end up being an instream flow right? No objection period, comment period. Water right holders were never informed of this change. In a closed basin, no less new water rights were to be issued. This goes against Montana Water Law.

My right won't be affected!

I have an 1918 water right that will be affected. The 1904 right comes ahead of the 1918 right so it will be affected. The right could become worthless. The options and choices that I now have concerning my water and land will also be jeopardized because the Fish and Game now have standing on the creek. Is it the goal of the Fish and Game to own all the land and water in the State? The Fish and Game continues to be in competition with us as land and water right holders.

Negotiated settlement!

All I hear is this was a negotiated settlement. I'm a water right holder where was I in this negotiated settlement. I had no say, nor did my neighbors. It is a taking not a settlement. The word taking has been switched with negotiated. Who negotiated for us? The State is taking a right and right holders do not have the ability to defend this right.

Cost and Litigation!

Since when are Lawyers worried about the cost of litigation and the amount of work involved in litigation. Is litigation not what Lawyers do?

Personal Litigation!

In the fall of 2001 the Georgetown Lake Homeowners and Trout Unlimited filed suit in Federal District Court, against Granite County and the Granite County Commissioners for failure to curtail the outflows of water out of Georgetown lake. The Flint Creek Irrigators intervened on behalf of the Commissioners and were granted intervention. We were part of this suit it cost our family 16000 dollars to defend this right. It cost the group over 100,000 dollars. Two weeks before the trial Judge Molloy dismissed the case. Saying the court didn't have standing. Where would we have been if we hadn't defended our right? Or if we had negotiated with them? We as irrigators would have lost some of our rights, or water. Litigation and the Court system is the only defense we have! Thank You!



Fred Houle, Jr. - Executive Secretary
Verji L. Clairmont - Executive Treasurer
George Hewankorn - Sergeant-at-Arms

THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD RESERVATION

Box 278
Pablo, Montana 59855
(406)675-4600

EXHIBIT 72
DATE 4/11/15
SB 262

FLATHEAD



NATION

TRIBAL COUNCIL MEMBERS
Joseph Joe Dog Felsman - Chairman
James H. Stoebe - Vice-Chair
Victor L. Stinger - Tribal Sec
Robert L. McGee - Tribal D

Al Hewankorn
S. Kevin Howlen
E.W. Mungar
Sally Mungar
Michael Mungar
Rory Mungar

Dear Russell,

This is to advise you that our long term plan to re-purchase the Flathead Reservation is going smoothly and quietly. At our present rate of acquiring land from non-tribal members we will control enough land by the year 2010 to demand that Congress purchase the remaining land and return complete control of the Reservation to the Confederated Salish and Kootenai Tribes. Those whites which cannot be bought or taxed out will have to be encouraged to leave by other means. The book you loaned me could come in handy. Keep me informed of the response you receive from other Tribes as you travel across the country.

Your friend,

Joseph Felsman

Joseph Felsman

Handout to Montana House Judiciary Committee, 10 AM, Saturday, April 11, 2015, Helena MT

My name is Kathy Waring. I am a small landowner in the Mission Valley, a 22 year U. S. Army veteran, a taxpayer and law abiding citizen. When I bought my home 16 years ago, the Confederated Salish and Kootenai Tribes denied my right to use the water from the year round stream that flows the length of my property by refusing to subdivide the water right when the land was subdivided. They separated the water from the land.

I quote W. C. Fields: "If you can't dazzle them with brilliance, baffle them with bullshit." It appears to the opponents of this Compact that Mr. Tweeten and his band of "negotiators" took that to heart in their thousand plus page document. They certainly were prolific, and that is an admirable goal when you're raising crops or livestock . . . We weren't dazzled and we aren't baffled. We see the writing on the wall. Who in their right mind would approve a document FOREVER with no provisions for amendments? The United States and Montana Constitutions were written to include the provision for amendments as needed, but the Compact includes no such foresight.

In Western Montana, we are blessed with an abundance of water, enough for all reasonable uses with responsible management by good stewards. This Compact would put the majority of the citizens affected by it under the thumb of a sovereign nation that represents a minority population. The waters at issue here flow by God's design and man's engineering. Water is life and no one can put a price tag on it's value. Those who control the water wield incredible power. That power increases as the demand for water increases. Through decades of enabling, the tribes have become financially dependent upon the federal government. The federal government claims, as stated in public meetings, that it does not want control of the water. The federal government would, through the tribes, control our water. The Compact contains provisions for the sale of water. Food production in California is in jeopardy for lack of water. Money speaks louder than the pleas of Montana farmers and ranchers for enough water to raise their crops and livestock.

Control of the water should not be placed in the hands of an appointed few. Please DO NOT support this Compact. Please dig deep and find the courage to make changes to this Compact before it is too late. Thank you.

Doug Page - Camas Div. - Flathead Project

In response to all the talk for the Compact, I've concluded that I'm going to receive less water for irrigation than I have received before.

I've lived here all my life and my folks and grandfolks before that. I can see a gradual implementation of govt regulations and restrictions.

First of all, this compact has language to the effect that it decreases the amount of water that can be delivered through a large feeder canal to the Camas project.

~~Historically~~ we brought water from off reservation storage through this canal. Why should there be restrictions on this canal unless the Govt is trying to decrease our water.

Secondly, we've always had non-quota water. The BIA and compact say we should have everything on Quota. Non-Quota is a tool we've used over the years. It's water that would go down the river and not be used on the land when the reservoirs are full. This is important to us especially in dry years.

Another factor is instream flows. I've got a water right from the Govt to irrigate my land. More instream flows would mean less water for irrigation.

Our water is only so much ~~on~~ on the Camas Div. We can't pump more from the

Flathead river. When you start
restricting the amount of water it hurts
us economically. Crops are vital to us.

When this project was first created,
the Gov't had a vision to make
this land more productive. I ask,
what are their intentions now?

The question of jurisdiction and ownership of water rights is the major stumbling block to a Water Compact Agreement. The Federal government's, 1855 Hellgate Treaty with the Tribe provided for "hunting and fishing" rights. In 1889, the Federal government granted Montana statehood. The Tribe now contends that they have jurisdiction of all water on the Reservation and for eleven adjoining Counties.

Per Montana's Constitution, Chapter IX, Section 3. Water rights. **"(1) All existing rights to the use of any waters for any useful or beneficial purpose are hereby recognized and confirmed. (3) All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law".**

Tribal Reservations are within the "boundaries of the state" and water is "subject to appropriation for beneficial uses". The question of jurisdiction revolves around the determination of Tribal members being a separate nation versus being "people" subject to the jurisdiction of the State. To a large degree, the Federal government wants total control of all water in this Country and the State of Montana. The Federal government is instigating the Tribe to renegotiate the 1855 Hellgate Treaty using water issues as a substitute for direct negotiations between the CSK Tribe and State of Montana. When it comes to representation, individual rights and funding, the Tribe is more than willing to be recognized as "people" of the State of Montana. When it comes to jurisdiction and authority of the Tribe, members prefer to be recognized as a sovereign and independent nation. Obviously, the Water Compact Agreement is not the proper method for resolving questions of sovereignty, jurisdiction and authority of the State of Montana and the CSK Tribe.

Federal Reserved Water Rights -- Dismissal of Federal Court Actions -- Judicial Administration:
When the United States brings actions in federal court for a general adjudication of Indian and other federal reserved water rights under 28 U.S.C. 1345, **the actions are properly dismissed because the state courts have concurrent jurisdiction as a result of the McCarran Amendment, because the State has established a comprehensive system under state law for adjudication of all water rights in the state, including federal reserved rights**, and because the policy of wise judicial administration announced in *Colorado River Conservation District v. U.S.*, 424 US 800 (1976), requires the court to defer to the state system for efficient adjudication of these rights. *N. Cheyenne Tribe v. Tongue River Water Users Ass'n*, 484 F. Supp. 31, 36 St. Rep. 2265 (D.C. Mont. 1979).

Montana Water Court Yellowstone Division, Case 42B-1, US of America Bureau of Indian Affairs and 42CC Preliminary Decrees, June 27, 2014, Russ McElyea, Chief Water Judge
pg. 14

By statute, the water right claims in those decrees have prima facie status. A claim for an existing right constitutes prima facie proof of its content until the issuance of a final decree.

85-2-227(1) The prima facie statute places the burden of proof on the objectors, not the DNRC or the Water Court.

*COMPACT DELEGATES ADMINISTRATIVE AUTHORITY OF
DNRC & JURISDICTION OF THE MT WATER COURT.*

The CSKT Water Compact circumvents the Montana Constitution. The CSK Tribes have not quantified their "beneficial use" for water rights consistent with the provisions of MCA 85-2-227. The CSKT Water Compact does not comply with the Montana Constitution and should be dismissed.

Dick Motta
13 John Long Road
Philipsburg, MT 59858
406.859.5016 - dickm@blackfoot.net

Charles Woolley, Plains MT

Dear Mr. Chair and Committee Members, House Judiciary Committee:

I will be brief.

You and I have heard and will hear much testimony from both sides of this issue, opponents and proponents.

Many are getting paid to represent a certain view. Many individual citizens, such as myself, have to pay and lose wages in order to attend these hearings.

I have two questions to ask the committee members, if I may Mr. Chair?

1. Have you read ALL of the CSKT Compact and All documents, both in opposition and support, pertaining to it?

2. Do you understand, FULLY, the implications to ALL citizens of Montana, 1 year, 5 years, 10 years and 50 or more years in the future?

I would suggest that if your individual answer to either question is NO, then at this time, you should, in good conscience, not be voting on such a document, that is binding on the citizens of Montana forever and is not subject to amendment or change prior to passage under a threat of 10,000 lawsuits.

Do not bind us to a document like that of the Affordable Care Act, where "you need to pass it to find out what is in it" and to know its full implications only upon its application.

Perhaps, it should be tabled until you have had sufficient time to review and fully understand it and its future implications. If threats are required for its passage, it probably should not pass.

Changes should be made that protect the interests of all Montanans in perpetuity and this can only be done with full, factual consideration – not threats, coercion, or limiting amendments.

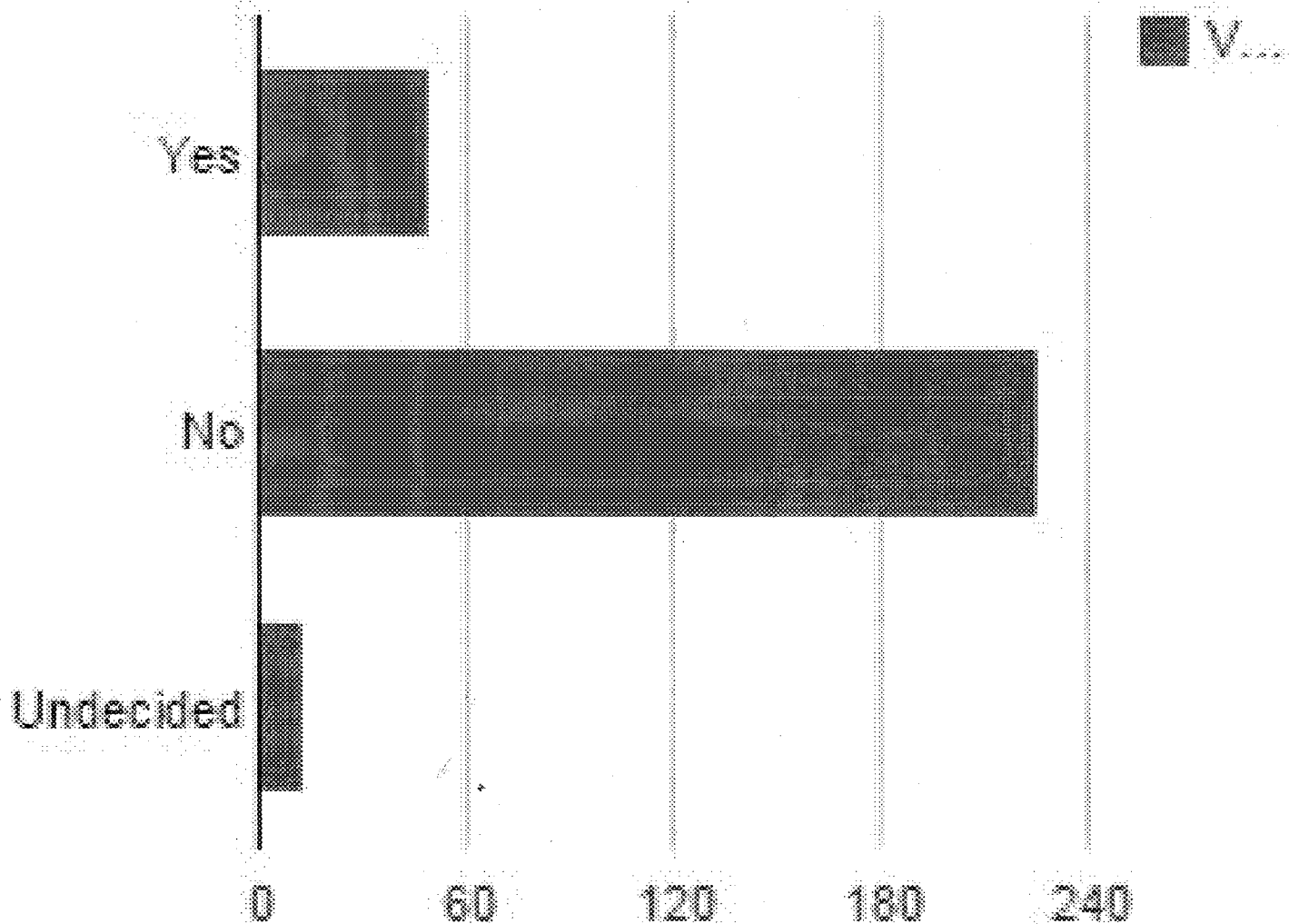
Thank you.

Missoulian Poll

EXHIBIT 77
DATE 4/11/15
SB 262

You voted: No

Should the Montana Legislature
ratify the Flathead water compact?



"You do not examine legislation in the light of the benefits it will convey if properly administered, but in the light of the wrongs it would do and the harms it would cause if improperly administered."

President Lyndon B. Johnson

Article 1. The said confederated tribes of Indians hereby cede, relinquish, and convey to the United States all their right, title, and interest in and to the country occupied or claimed by them, bounded and described as follows, to wit:

EXHIBIT 76
DATE 4/11/13
SB 262

ARTICLE 3. AND PROVIDED? That if necessary for the public convenience, roads may be run through the said reservation; and, on the other hand, the right of way, with free access from the same to the nearest public highway, is secured to them, as also the right in common with citizens of the United States to travel upon all public highways.

3. PLATHEAU TREATY.

The exclusive right of taking fish in all the streams running through or bordering said reservation is ~~th~~ further secured to said Indians; as also the right of taking fish at all usual and accustomed places, in common with the citizens of the Territory, and of erecting temporary buildings for curing; together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.

ARTICLE 4. In consideration of the above cession, the United States agree to pay to the said confederated tribes of Indians, in addition to the goods and provisions distributed to them at the time of signing this treaty, the sum of one hundred and twenty thousand dollars, in the following manner, that is to say: For the first year after the ratification hereof, thirty-six thousand dollars, to be expended, under the direction of the President, ~~up and fencing farms, building houses for them, and~~ President, in providing for their removal to the reservation, breaking up and fencing farms, building houses for them, and for such other objects as he may deem necessary. For the next four years, six thousand dollars each year; for the next five years, five thousand dollars each year; for the next five years, four thousand dollars each year; and for the next five years, three thousand dollars each year.

Charles R. Rober

406-261-9326

ARTICLE 5. The United States further agree to establish, at suitable points within said reservation, within one year after the ratification hereof, an agricultural and industrial school, erecting the necessary buildings, keeping the same in repair, and providing it with furniture, books and stationery, to located at the agency, and to be free to the children of the said tribes, and to employ a suitable instructor or instructors; to furnish one blacksmith shop, to which shall be attached a tin and gun shop; one carpenter's shop; one wagon and ploughmaker's shop; and to keep the same in repair, and furnished with the necessary tools; to employ two farmers, one blacksmith, one tinner, one gunsmith, one carpenter, one wagon and plough-maker, for the instruction of the Indians in trades, and to assist them in the same; to erect one saw-mill and one flouring-mill, keeping the same in repair, and furnished with the necessary tools and fixtures, and to employ two millers; to erect a hospital, keeping the same in repair, and provided with the necessary medicines and furniture, and to employ a physician; and to erect, keep in repair, and provide with the necessary furniture, the buildings required for the accommodation of the said employees. The said buildings and establishments to be maintained and kept in repair as aforesaid, and the employees to be kept in service for the period of twenty years.

And in view of the fact that the head chiefs of the said confederated tribes of Indians are expected and will be called upon to perform many services of a public character, occupying much of their time, the United States further agree to pay to each of the Flathead, Kootenay, and Upper Pend d'Oreilles tribes five hundred dollars per year, for the term of twenty years after the ratification hereof, as a salary to such persons as the said confederated tribes may select to be their head chiefs, and to build for them at suitable points on the reservation, a comfortable

ARTICLE 6. The aforesaid confederated tribes of Indians acknowledge their dependence upon the Government of the United States, and promise to be friendly with all citizens thereof, and pledge themselves to commit no depredations upon the property of such citizens. And should any one or more of them violate this pledge, and the fact be satisfactorily proved before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the Government out of the annuities. Nor will they make war on any other tribe except in self-defense, but will submit all matters of difference between them and other Indians to the Government of the United States, or its agent, for decision, and abide thereby. And if any of the said Indians commit any depredations on any other Indians within the jurisdiction of the United States, the same rule shall prevail as that prescribed in this article, in case of depredations against citizens. And the said tribes agree not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the au-

ARTICLE 7. The said confederated tribes desire to exclude from their reservation the use of ardent spirits, and to prevent their people from drinking the same; and therefore it is provided that any Indian belonging to said confederated tribes of Indians who is guilty of bringing liquor into said reservation, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

MR. Chairman, Members of the Committee,
Fellow Citizens of the Great State of Montana
My name is JOHN EMBRY E-M-B-R-Y.
I reside in Kalispell, MT.

EXHIBIT 79

DATE 4/11/15

SB 262

In 1855, the year of the Hellgate Treaty,
Chief Seattle of the Duwamish TRIBE
in western Washington sent a letter to
PRES. Franklin Pierce concerning the proposed
sale of his tribes traditional home lands.
Since that time many have questioned
the authenticity of that letter & its
translation into English. ^{BUT} No matter,
the spirit of the letter is well known
& of much value, then & now. He wrote,
"How ~~can~~ you buy or sell the land?
The sky above? The sparkling waters?
The idea is strange to us."

Well, ultimately, the land was sold and the
tribes were ~~ceded~~ ceded Reservation lands
where ~~they~~ many still live today. That idea is
no longer strange to our Native American
brothers & sisters. In fact, ~~they~~ through

relinquished, and conveyed (by the tribes) all rights or claims to any land and waters except the Reservation. The State Senate just voted on it a few weeks ago. The Senate holds 29 Republicans and 21 Democrats; however, 11 Republicans voted for the Compact and the measure passed, 32-18. The bottom line: there was not one dissenting Democratic vote on the whole measure.

Such actions are not without precedent. In January of 2014, the EPA declared the town of Riverton, Wyoming to be in the Wind River Indian Reservation. Other figures in this travesty of law include the Department of the Interior and the Department of Justice. The Northern Arapaho and Eastern Shoshone tribes filed an application to receive funding toward the monitoring of air quality via the Clean Air Act. The EPA magnanimously bypassed Congressional Law of 1905 and granted the tribes the status of "Treatment as a State." The town has more than 10,000 people who now fall under the jurisdiction (regarding taxation and law enforcement) of the Reservation.

The Choctaw and Chickasaw tribes of Oklahoma filed a federal lawsuit over water rights in 2011, claiming the "rights to and regulatory authority over Treaty Territory water resources." They also claimed their rights override those of Oklahoma. Once again, the DOJ and the Department of the Interior were involved in this fight that is also unfinished. The lands that both tribes inhabited had been broken apart by the state of Oklahoma more than a century before.

We can see a pattern developing. Local and state politicians use the Indian tribes as a tool to pursue a much larger agenda: the removal of private property from the hands of citizens and the transfer of control into the hands of the federal government. The politicians then receive federal funding to pursue their initiatives. Now a long line of bureaucrats enters the parade: the EPA to save the environment, the DOJ to save the legal rights of the oppressed, the Department of the Interior to manage the tribes' revenues, and the DHS as the protector-enforcer.

There are many areas in the United States where water rights are either under assault or threatened by the federal government in this manner: the Chesapeake Bay Watershed, the waters of the Colorado River, and the Ogallala Aquifer (used by almost ¼ of the U.S.), to name a few. The important issue to consider with this is the abrogation of Constitutional Law and private property rights and the federal government making its own laws by bureaucratic edict.

We will keep you informed of what transpires in the Montana House vote and the overall results. There is a saying in Montana: "Whiskey is for drinking, and water is for fighting." The battle over this water compact proves this saying to be true, and this writer would really like to hear from you about similar issues where you reside.

Living Water =

YAHSHUA - The
(JESUS) MESSIAH
(SAVOR)

He Rose. Will you?

04/09/2015 04:13 PM

Rev. 14:12

12:17

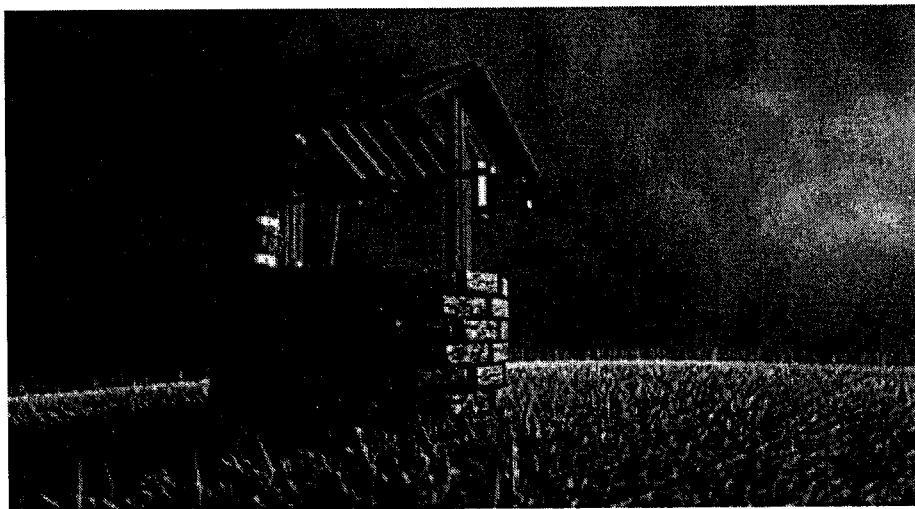
By the blood of The

The fed. Govt., who we know have always respected & protected their interests, (2) they have come to embrace the idea so completely that they no longer wish to ^{merely} own & control their ^{regions} lands & the water upon & below it, but the waters of every one around or upriver from the Reservation. And there by ^{control} these lands themselves. For what is the land without the water? Dust, dirt, & rock with ~~no~~ no life in it. ★

You may think the white man's Govt. in Washington, D.C. is now seeking to help the Indians by ^{assisting} ~~helping~~ to wrest control of all the waters of Western Montana & beyond. But, deep down, you must know that once they have taken the water and thus the land from its legal owners and gained control of it through the tribes, they will honor you & your ^{always} short-lived rights the same way they ^{always} have since they first came to these shores. ★

In the end, @ you will find that you

FedGov Moves To Seize Water Rights From 100,000 Montanans: "All Surface Water And Wells"



Courage
to
Believe.

Hope.
The Good
Shepherd
leads to
'Living Water.'
Psalm 23

By: Jeremiah Johnson | SHTF Plan -

Greetings and Salutations, readers! My Nome de Guerre in the battle for truth and objective journalism is Jeremiah Johnson. I hope to pique your interest with a Montana issue that, regardless of the outcome, will have severe ramifications and set a precedent nationwide. This article covers the CSKT (Confederated Salish and Kootenai Tribes) proposed water-rights compact that threatens to take away the private ownership of water for roughly 100,000 Montanans. Should this measure pass, it can set a precedent for the courts throughout the United States by the Federal Government to deprive us of our water rights.

The tale of woe begins with the Hellegate Treaty of 1855 that created the Flathead Indian Reservation. Article III of the Treaty is the point of contention, as it states the Indian tribes have an established "right of taking fish" in waters not on the reservation. The article has been selectively interpreted and further manipulated to this end: the tribes must be able to ensure water quality of their fishing sites; therefore, the water rights in 11 counties must fall under the Tribal jurisdiction.

Enter the EPA to set standards of water quality, the Water Compact Commission, a board that is relentlessly pushing the compact on the populace, the Department of the Interior, the bureaucracy that will collect and manage revenue "on behalf" of the tribes, and the DHS, the enforcement arm of compliance. Should the tribes and the aforementioned players win this fight, all surface water and wells (private wells, mind you) within the boundaries imposed by the Compact will be metered and taxed.

The whole thing is a travesty and should be a moot point in reality: Article I of the same treaty ceded,

have been duped & used ^{one more} by those who (3)
purport to protect you & your rights.

White ~~and~~ Red, we will be cast aside
by the Govt. agents and their masters:

The Elite, who, through money, influence
and the power of tyranny wish to make
obedient slaves of us all.

So, in closing, I urge all ^{men of every color} who value
their freedom to awaken & recognize
the wolf who comes smiling & promising
the flocks (both White and Red) that he is
only here to help.... himself & those
who will obey.

Please reject these wolves & their
false promises. Vote no on SB 262.
Our lives, as well as our ways of life
depend on it.

Thank you for your time.

HOUSE JUDICIARY COMMITTEE

Sponsor: Sen. Chas Vincent

PLEASE PRINT[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Mr. Chairman, members of the committee these are not my words they are the words of National Security Adviser Susan Rice concerning the thinking when negotiating a deal on Iran's nuclear program.

What has that to do with the CSKT water compact you may ask? More than you might think. Iran's nuclear program can be used to force nations opposed to Iran into untenable situations where Iran wins, everyone else loses.

SB 262 with its band of sponsors, the Federal government, the Governor of the state of Montana, Bullock, the State Attorney General of Montana, Fox, the CSKT water compact commission along with most in the Democrat party and some in the Republican party are seeking to do the same thing, force citizens opposed to the compact into an untenable situation, the propaganda line is, "Water rights were given to the CSKT in the 1855 Hellgate Treaty" while at the same time saying the compact is Constitutional and citizens, you have absolutely nothing to fear.

Nothing to fear? The supporters have been 'shouting' the nothing to fear refrain from the mountain tops. Why if there is nothing to fear, is this bill **a forever document**, no changes, its cast in stone once passed? Why if there is nothing to fear in SB 262 are there words within the bill which say that the state of Montana and the CSKT are indemnified from lawsuit? Hard to understand the

Statement of Robert L. Starks 4/11/2015
A BAD DEAL IS WORSE THAN NO DEAL

necessity of this wording since the compact is so straight forward and such a '**wonderfully**' worded absolutely nothing to fear set of rules and regulations governing the lives of hundreds of thousands of Montana citizens. Never mind the rewrite of history fitting their agenda.

Why **if** there is nothing to fear in this bill, are there two methods protecting the perpetrators of this unjust document while at the same time, we the citizens lose rights that were written into our Constitutions for our protection? Does any of this make sense?

When you carefully read SB 262 you discover far more is in play which has nothing to do with fish. The web of deception weaved by the supporters of the compact is almost breathtaking, their skill at distorting facts rise to new levels and would make a Funnel Web Spider envious, don't worry citizen, we're taking care of you, your covered, you can keep your well, there is nothing to fear in this compact trust us. Those unsuspecting creatures choosing to enter the Funnel Web Spiders cleverly spun entrance do not fare so well in their trust, they end up being eaten because of it.

There is a huge problem in this building, a problem that is waiting to be let loose, that problem is disguised as SB 262, a bill that seeks to remove citizens from under the protections of the Constitutions of the United States and Montana placing us under the control of a Socialist

Statement of Robert L. Starks 4/11/2015
A BAD DEAL IS WORSE THAN NO DEAL

oriented foreign government. SB 262 treats people as second class especially where the citizens are non tribal. We discover that our rights and opportunities are treated as less important than those of 'fish' less important than those of other people in the same society. Non Indian citizens have no voice. We cannot vote in tribal elections we cannot hold tribal office. Need I remind you, the CSKT Reservation is an '**OPEN**' reservation, we the non tribal citizens acquired fee patent land on the reservation at the "**INVITATION**" of the Federal Government, no one gave us this land, we paid hard earned money for it.

Vote no, on SB 262, the most devious, racist, document I have ever had the misfortune to read. Kill, SB 262 for it will surely destroy us over time if you do not do your duty. Protect '**ALL**' of the citizens of Montana. There is no wiggle room here, everyone understands that the point of no return has been reached. Vote NO, on SB 262. A, BAD DEAL IS TRULY WORSE THAN NO DEAL! Thank You for your time.

Robert Starks,
Saint Ignatius, MT.
Veteran, United States Marine Corps
Veteran, United States Army, Military Police Corps
Veteran, Law Enforcement Officer
Currently self employed business executive and a
Flood irrigator living in Lake County, Montana.



Ravalli County Right to
Farm and Ranch Board
215 South 4th Street,
Hamilton, MT 59840

March 3rd, 2015

EXHIBIT 81
DATE 4/11/15
SB 262

Dear Members of the Montana State House of Representatives:

The Ravalli County Right to Farm and Ranch Board held its monthly meeting Monday, March 2nd, 2015. One of the main topics of discussion was the political hot issue of endorsing or opposing the passage of the Confederated Salish Kootenai Tribal Water Compact. The board fully know that the Montana State Senate passed the legislation on to the Montana House of Representatives for its vote. The board continued to follow this important issue all of February by contacting their ditch associations, visiting with water users in their respective neighborhoods, editorial opinions, attending meetings with speakers and/or attorneys, who were proponents of the "Compact" and conversely, opponents of the "Compact", along with personal reactions from our County's Senators and Representatives. The Right to Farm and Ranch Board also took seriously the feedback received from the action it took from its February meeting in which a letter of opposition was sent to all the Legislators of Montana assembled in Helena.

The Confederated Salish Kootenai Tribal Water Compact was thoroughly discussed. A motion was made to send the Board's conclusion to the members of the Montana House of Representatives. The Ravalli County Right to Farm and Ranch Board, with one member absent out of nine board members, voted unanimously to oppose the passage of the "Compact" as it is being presented to the legislature.

Sincerely,

Jay Meyer, Chairman
Ravalli County Right to Farm and Ranch Board

House Judiciary Committee Hearing, April 11, 2015
Montana House of Representatives
Helena, Montana

My name is Jim Paugh, for many years a water user and irrigator in the Gallatin Valley
Now living at Coffee Creek, Montana, 59424

Mr. Chairman Bennett:
Members of the Judiciary committee

I am opposed to SB 262, the CSKT Compact

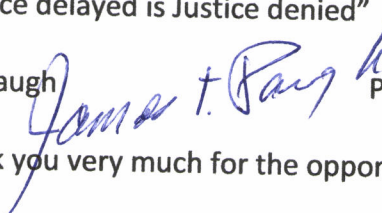
After reading the bill several times and studying parts of it in detail, I find that it is 140 pages of contradictory statements, that I feel, will lead to endless legal challenges. It gives the Tribes and the Bureau of Indian affairs control of much of the water in Montana, west of the Continental divide, and considerable money. In return, Montana gets an assurance from the Tribes that they will not sue the State of Montana over some things. I consider SB262 another layer of bureaucracy between the people and their Legislature.

To paraphrase a saying I read many years ago; "Bureau's were established by governments, to do the governments work for the people. After being established, as the years pass, the bureau takes on an image of its own and considers the people they were established to work with, to become the enemy."

I respectfully request that this committee vote SB262 down, and that you pledge that you will do all possible to assure the people of the State of Montana, which includes many Indian water rights users, that you, the Legislature, will require the Water Court and the DNRC to complete the processing of the claims for water that are required by the Montana Constitution, which says: "All existing rights to the use of any waters for any useful and beneficial purposes are hereby recognized and confirmed."

The water users of Montana, and we all use water, but especially the agricultural water users, deserve to have the adjudication of our existing water rights completed. After many years of a lack of progress towards completion of this task, I point out that this Legislative body, the body that controls the appropriation of money for the state, has the obligation and the duty, to see that this task is pursued with determination and vigor.

"Justice delayed is Justice denied"

Jim Paugh  Phone (406) 566-2255

Thank you very much for the opportunity visit with you..

April 10, 2015

State of Montana
House Judiciary Committee Members

RE: SB262-CSKT Water Compact

Mr. Chairman and Committee Members,

My name is J.S. Turner (TURNER).

After many hours of fact gathering, I have come to the conclusion that this Compact as written, is not in the best interest of all citizens of the State of Montana.

The irrigators of the project did not have a seat at the table and will have their legal rights stripped from them and handed over to the Federal Government. The allotment will also be reduced to 1.2 acre feet from 3-5 acre feet. This will severely limit the ability of the irrigators to survive. When these producers must sell their land the property values will be drastically reduced. Several producers in the Ronan area have large capacity wells and have worked out a deal with the CSKT to be exempt from this legislation. Wow! What a deal for them.

The irrigators and Tribal members are being used as pawns in this chess game of the SB262 legislation. Forty percent of the land on the reservation is privately owned by non-Indians but this compact will strip the legally held water rights from Indians and non-Indians alike, to be held in trust for only the CSKT by the Federal Government.

I adamantly oppose the idea that fishing rights equate to water rights. The language about "time immemorial" does seem to be lacking in legal validity.

Beaverhead County, where I live, has a Resource Use Plan in effect and it clearly states "All water rights desired by the Federal Government must be obtained

through the State water appropriation system." "Movement toward nationalization or Federal control of State water resources or rights will be opposed and privately held water rights should be protected from Federal and/or State encroachment and/or coerced acquisition.

We have been bombarded with false radio ads, mailers, about how this will be good for Montana. If this is such a good deal, why has the CSKT funded this propaganda to the tune of 2-3 million dollars?? Shame on the DNRC for spreading this, as well.

I CAN'T BE BOUGHT!! CAN YOU??

If this looks like a skunk and smells like a skunk, it's a skunk!

I think it would be wise for several Senators and Legislators to review the Montana Constitution and the Constitution for the United States of America including a review of the "Standards of Conduct" section in MCA 2-2-101 to 2-2-144. We as Montanans must hold our public servants to a higher standard of conduct.

In conclusion, Senate Bill 262 must be voted down to protect ALL waters of the State of Montana for the use by ALL of its citizens, as stated in the Constitution of the State of Montana.

Sincerely,

J.S. Turner

Dillon, MT 59725



Name: Jean Conklin
From: Dillon, MT.

I stand with fellow irrigators and water right owners in the Northwest of Montana in opposing CSKT Water Compact. First the Federal Government came for the small miners in the State of Montana and they are out of business. Second the Federal Government came for small lumberyards and Companies, and they are now out of business. Now comes the Federal Government in the form of Fish, Wildlife & Parks and using the Indians to go after the ranchers and farmers who grow our food to limit the water rights for inflow of the rivers and stop water rights on some users. We need to STAND against such progressive movements. What is the \$1.2 billion being paid to the CSKT for? How is the \$55 Million paid by the State of Montana being used for and vetted? This is our hard earned tax money. Why is a Propaganda Pac in Washington, D.C. being paid \$2 million to put out non factual information? Who is paying them? Please oppose the CSKT Water Compact. This compact is not good for Montana Citizens when it violates our Constitutional rights both US Constitution and the Montana Constitution by giving up our sovereignty over the water rights to the Federal Government. Thank you for listening to our concerns as fellow ranchers and farmers, it is who we are and our lifestyle business.

Debbie Biolo
432 Dakota Ave
Whitefish, MT. 59937
406-471-8907

4-11-15

Dear House Judiciary Committee Members:

I traveled to Helena this morning to plead with you to please continue to scrutinize every section of this compact while you still have the authority and the control of the process here in Montana.. This document is not ready to be transferred on to Washington DC. If you take the easy way out on this important issue and line up behind your party leaders you will have given up your authority and your duty to preserve the constitutionally protected rights of Montanans . This is your only chance to get this right in Montana. And at this point I think you know that it is not right for Montana and not ready to be transferred for consideration in Washington DC.

The State does not have to give up so much to be able to accurately quantify the federally reserved water rights on the reservation. This compact would be unprecedented in it's reach beyond the reservation boundaries. Our State constitution is very clear about the control and administration of water issues.

If you neglect your commitment to Montana and forward this document on to the federal government with so many unresolved concerns, generations of Montanans will look at this session as a betrayal of your oath to serve Montana and protect the rights of your constituents.

I urge you and I plead with you to VOTE NO on SB262.

I appreciate having the opportunity to speak out and participate in your process.
Respectfully,
Debbie Biolo

United States v Powers

Supreme Court case over assignment of Tribal water rights + whether or not the water rights are passed along with tribal land. When American Indian reservations would sell allotments of land to non-tribe members the buyers claimed the same proportion of the reservation water as the previous Indian land owner had received. Supreme Court upheld earlier ruling that water rights are passed along with the land, meaning that non Indian land owners on reservations purchased the same water right as the tribal landowner had. Reference "United States v Powers ET AL." LexisNexis 13 October 2009.

The compact has articles that violate our constitution. Also it creates different rules + classes for land owners and residents.

Especially are we told that everyone water rights are protected yet there are exemptions for certain properties

For these reasons I ask you to vote no on SB 262

Albert Noto
Box 882
Dillon, MT

11 April, 2015

EXHIBIT 87
DATE 4/11/15
SB 262

Dear Representatives of we the citizens of Montana

Water is important to everyone, from dyer needs to financial motivations. The motivations of this compact seem more than a little questionable. I attended many water compact meetings. One such meeting was last fall when the CSKT produced an updated version of the Compact expecting the DNRC and the citizens to support the document without any opportunity to review.

Yet another version was presented to our current Senate while in session using the same no chance to review tactics. Now you "Members of the House Judiciary" face the same dilemma. Why this tactic if everything is above board?

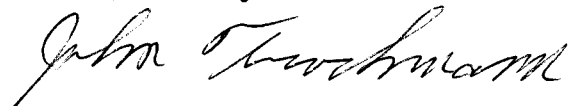
This document, we are told, must be accepted as is, no changes, alterations or amendments. If not accepted as is the State will be sued.

This Compact is pushed at the same time, as the EPA is pushing for "Waters of the US". Which happens to be the same time as the Department of Interior is hosting Land Buy-Back Programs for the Tribes.

If the CSKT were allowed the control of water for our farmers and ranchers, who is to say this control tool would not be used to encourage the sale of privately owned land to the CSKT using tax payer money?

Many of us ordinary citizens are very concerned of a famine approaching our land. Please do not pass this bill but rather send it to the House Floor with a dissenting vote so the bill must have a major majority to win approval.

Respectfully Submitted



John Trochmann

P O Box 1563

Noxon, MT. 59853

(406) 847-5100



Date: March 20, 2015
Contact: Interior_Press@ios.doi.gov

Interior Hosts Land Buy-Back Program 2015 Listening Session

Written Comments Welcome through April 20, 2015

LAVEEN, AZ – More than 150 tribal leaders and individual landowners joined Department of the Interior Deputy Secretary Michael Connor and Assistant Secretary-Indian Affairs Kevin Washburn at the Land Buy-Back Program for Tribal Nations (Buy-Back Program) 2015 Listening Session yesterday. The event, held on the Gila River Indian Community, allowed Interior officials to share updates and hear directly from tribal communities about how the Program can best be implemented across Indian Country.

In particular, many individuals with fractional land interests at the Navajo Nation attended the event. Local, targeted outreach events will occur in the coming months in coordination with the tribe to provide opportunities for further landowner engagement as the Program is implemented.

"We must do all we can to give landowners a meaningful chance to participate in the Program and receive compensation for their fractional interests, many of which are simply unusable because of the degree of fractionation," said Deputy Secretary Connor. "We are focused on ensuring that landowners are aware of the Program and are given every opportunity to make informed decisions about the potential sale of their land at fair market value."

"Tribal feedback has been a critical component of the Buy-Back Program since its inception," added Assistant Secretary Washburn. "The Buy-Back Program and tribal leaders are working together to ensure that landowners are aware of the opportunity to sell land interests for the benefit of both the landowner and tribal communities. We must work together to make sure this Program has the best impact possible on tribal communities."

As part of President Obama's commitment to help strengthen Native American communities, the Buy-Back Program implements the land consolidation component of the Cobell Settlement, which provided \$1.9 billion to purchase fractional interests in trust or restricted land from willing

sellers at fair market value within 10 years. Consolidated interests are immediately restored to tribal trust ownership for uses benefiting the reservation community and tribal members.

"The Gila River Indian Community views our implementation of the Land Buy Back Program to be a very successful one from the Community's perspective. We had vision to use these funds to help develop a utility corridor, and we appreciate that the Program is working with us to make that vision a reality. Today, while we seek to implement details of the utility corridor, we are on the verge of an amazing achievement, one that deserves to be celebrated. And, we hope other tribal nations look to our experience as a base to consider when developing their own strategic plans for using the funds available through the Buy-Back Program," said **Gila River Indian Community Governor Stephen Roe Lewis**.

Thus far the Buy-Back Program has paid more than \$360 million to individual landowners and has restored the equivalent of almost 560,000 acres of land to tribal governments.

Tribal leaders and landowners who were unable to attend the Listening Session are encouraged to submit written comments, which **must be received by April 20, 2015**, as described in the [Federal Register](#) notice about the session.

In recognition of the great value that comes from early awareness, Interior's Office of the Special Trustee for American Indians helped begin the day by discussing financial awareness with a class at the Gila River Indian Community. Additional resources can be found [here](#).

Landowners can contact the Trust Beneficiary Call Center at 888-678-6836 with questions about their purchase offers and to update their contact information. Individuals can also visit their local Office of the Special Trustee for American Indians (OST) or Bureau of Indian Affairs (BIA) office, or find more information at www.doi.gov/buybackprogram/landowners in order to make informed decisions about their land.

###

Subject: 2015 CSKT Water Compact
From: Deanna Balfour
56548 West Road
Moiese, Mt. 59824
Date: 4/9/2015

TO: HOUSE JUDICIARY COMMITTEE

CALL TO ACTION PLEASE VOTE NO TO SB262

OPEN RESERVATION Private land, purchased with in the bounties, with a water right in the deed. This property has been paid for, irrigation construction charges paid, with no release from the Fed. The project now belongs to the irrigator. We as irrigator's developed our irrigation systems installing pool line (doing away with miles of ditches, bought pivots, wheel move, and hand lines. From flood irrigation to modern methods not only saved water was also very expensive, flood irrigation 4.7ac.ft to 1.4acre ft. not even the amount of water saved. This document takes 70% of our irrigation water will not be able to raise a crop, My husband's "Monte," family moved to Moises Valley in 1936, mine in 1945. We both grew up in the valley. Monte spent three years of his life in the Korean War. We purchased our ranch in 1958, working all our life to have a great save place for our family to return to. Now we are being forced to give up our freedom, a ranch, losing what took over fifty year of our lives. Our son has always plan moving back, after retirement.

I have gone in the past months to meeting listening to the contents of the compact. Our joint board was left out of negotiations? Why? At these meeting never did I hear testified what the appendix or abstracts contents were, nor was this material presented. I wasted my time it was a cut a dry document, hours of testimony was not even considered. It is "take or leave it" deal. Listing below is some of the things I have read in the appendix

1. Project name – FLATHEAD IRRIGATION PROJECT - This is the name irrigator have operate under since I lived here (70 years), construction charges on project is under this title name. Name change is one of several manipulator tactics used, not legal!!!
2. Crow Dam: Income stream flows do not meet out stream flows from Crow Creek above dam. This dam has needed repair, no attempt to do so. Saved of Dams – Fed. Gov.
3. It stands as is for 99 year contract.
4. The tribe may lease Flathead System Water. I read this as sell whomever they choose to.

KERR Dam, (FERC LICENSE) we need the state of Mt. to protect our tax base & irrigation revenues from this dam, which was built for the Irrigators. WATER RIGHT ARISING UNDER STATE LAW associate with Kerr Dam, are necessary for our state schools & county.

Sep none of Kerr Dam belongs to the irrigators. See Limathy Wright change
Thanks for being here for us the people citizen of Mt. We do need you as our representative's too protect our precious resource water, for all people equally. The Compact does not do this, it takes away our state's water, protection of our home, trespassing is not acceptable. We need one nation under God.

Deanna Balfour

I'm Helen Morris MORRIS

I'm a 50 year rancher from Twin Bridge MT

89
EXHIBIT
DATE 11/1/16
SB 262

My husband & I own & operate a ranch on the Beaverhead River. Ours is an irrigated operation as rain in our country is a blessing and a surprise.

We don't support the CSKT Compact because of it's overreaching water rights concerning the instream flows with time immemorial priority date. You ask; should we in our area be concerned with the compact, I think so!! The Preliminary Decree, Beaverhead River, Basin 41 B, Abstract of Water Right Claim states a paragraph of things we need to consider and ends by stating — "Finally, your water right claim may be subject to Indian Reserved & Federal Reserved water rights". It is not just our claim but all the abstracts we have seen of the entire river basin have this added to their abstracts. I ask you — isn't that reason enough to wonder why the Indians have say over water off the Reservation. Let's not give our ^{MT} water away to a sovereign nation & the Federal government.

**PRELIMINARY DECREE
BEAVERHEAD RIVER
BASIN 41B
ABSTRACT OF WATER RIGHT CLAIM**

IMPORTANT NOTICE

YOUR WATER RIGHT AS SHOWN ON THIS ABSTRACT MAY HAVE CHANGES FROM YOUR WATER RIGHT AS CLAIMED OR AMENDED. AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (DNRC) DURING THE EXAMINATION PROCESS. THESE CHANGES ARE AUTHORIZED BY THE MONTANA SUPREME COURT WATER RIGHT CLAIMS EXAMINATION RULES OR BY ORDER OF THE WATER COURT.

OBJECTIONS MAY BE FILED ACCORDING TO THE PROCEDURES OUTLINED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY."

Water Right Number: 41B 103754-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners:

HELEN M MORRIS
512 E BENCH RD
TWIN BRIDGES, MT 59754

WALTER E MORRIS
512 E BENCH RD
TWIN BRIDGES, MT 59754

IT APPEARS THE OWNER IS A SHAREHOLDER IN THE CLARK CANYON WATER SUPPLY COMPANY.

Priority Date: JUNE 1, 1867

Type of Historical Right: DECREED

Purpose(use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 4.43 CFS

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

THIS WATER RIGHT IS SUBJECT TO CERTAIN CURTAILMENT PROVISIONS AS DETAILED IN THE 1958 CONTRACT (NO. 14-06-600-3592) BETWEEN THE UNITED STATES (BOR) AND THE CLARK CANYON WATER SUPPLY COMPANY. A COPY OF THE CONTRACT IS AVAILABLE FROM THE DNRC HELENA WATER RESOURCES REGIONAL OFFICE.

Climatic Area: 3 - MODERATE

Maximum Acres: 100.00

Source Name: BEAVERHEAD RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENWNE	14	5S	7W	MADISON

Period of Diversion: APRIL 1 TO NOVEMBER 1

Diversion Means: HEADGATE

Ditch Name: ISLAND-MULE SHOE DITCH

Period of Use: APRIL 1 TO NOVEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	100.00		E2	31	4S	6W	MADISON
Total:	100.00						

Remarks:

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

THE FOLLOWING ISSUES WERE IDENTIFIED BY THE DNRC DURING ITS EXAMINATION OF THIS WATER RIGHT CLAIM. THESE ISSUES MAY REMAIN UNRESOLVED IF NO OBJECTIONS ARE FILED.

FLOW RATE MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF MAXIMUM ACRES ISSUE.

THE CLAIMED FLOW RATE EXCEEDS THE 17 GPM PER ACRE GUIDELINE AND CANNOT BE CONFIRMED DUE TO LACK OF DATA. THE FLOW RATE EQUALS 20.00 GPM PER ACRE.

USDA AERIAL PHOTOGRAPH NO(S). 178-81 , DATED 09/07/1979 , APPEARS TO INDICATE 68.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

AERIAL PHOTOGRAPH NO(S). MMA-1-150, MMA-1-151 , DATED 10/09/1951 , APPEARS TO INDICATE 74.00 ACRES IRRIGATED. A DESCRIPTION OF THESE ACRES IS IN THE CLAIM FILE.

A BETTER UNDERSTANDING OF YOUR CLAIMED WATER RIGHT CAN BE OBTAINED BY COMPARING YOUR RIGHT WITH OTHER CLAIMS IN THE BASIN. FOR EXAMPLE, COMPARE PRIORITY DATES, FLOW RATES, VOLUMES, OR ACRES IRRIGATED. ALSO, YOUR WATER RIGHT MAY BE SUBJECT TO WATER RIGHTS IN ADJOINING BASINS OR SUBBASINS AS WELL AS BEING SUBJECT TO OTHER RIGHTS ON YOUR SOURCE OF SUPPLY. FINALLY, YOUR WATER RIGHT MAY BE SUBJECT TO INDIAN RESERVED AND FEDERAL RESERVED WATER RIGHTS.

COMPLETE DETAILS REGARDING THE DNRC EXAMINATION RESULTS AND RELATED MATERIALS CAN BE REVIEWED AT THE OFFICE LOCATIONS IDENTIFIED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY."

SEE GENERAL FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR FURTHER EXPLANATION OF YOUR CLAIMED WATER RIGHT. THESE FINDINGS CAN BE FOUND AS INDICATED IN THE DOCUMENT ENTITLED "NOTICE OF ENTRY OF PRELIMINARY DECREE AND NOTICE OF AVAILABILITY." IF YOU NEED OBJECTION FORMS, OR HAVE QUESTIONS ABOUT WATER COURT PROCEDURES OR CHANGES TO YOUR RIGHT, YOU CAN CONTACT THE WATER COURT BY CALLING 1-800-624-3270 (WITHIN MONTANA ONLY) OR 1-406-586-4364, OR BY WRITING TO P.O. BOX 1389, BOZEMAN, MT 59771-1389.

My name is Walter Morris

I have ranched for 50 years on the Beaverhead River. I served on the East Bench Irrigation board for over 20 years. During this time, over 8000 acres were converted to gravity pressure.

The Compact is totally unacceptable for several reasons. First it breaks an agreement the Government made with those settling on the reservation promising them water rights.

There is no justification for converting the aboriginal right to harvest fish & deem it a water right with time immemorial priority date.

The DNRC has written preliminary abstracts giving the tribes irrigation rights from Jan. 1 to Dec 31. At the same time they have changed the basin 41B original 1867 decreed rights on the Beaverhead river from yearly to only an irrigation season usage of only a few months.

It is stated in the Compact that non use does not represent an intent by the owner of the water right to wholly or partially surrender the water right. Conversely the DNRC is using non usage as the basis for taking away portions of decreed water rights. The Montana Constitution guaranteed the 1st in time, 1st in right water right.

The owners of these decreed water rights have been forced to hire lawyers to defend

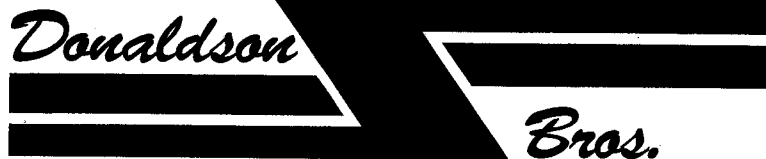
their water rights which have been deemed legal for over 125 years. The threat of 10,000 lawsuits has never been explained as to whom or by whom these apply.

In any negotiations all sides need to be represented & heard. This was blatantly overlooked in this case.

A wrong, rapid decision is never the answer.

Please vote for Montana vote no.

Exhibit 91
Date 4.11.15
SB 262



READY MIX

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SAND • GRAVEL • MASONRY BUILDING MATERIALS

Jan Wisniewski

over 3,000 water users
in Ravalli County have been
fraudulently represented
by the manager of the
big ditch, the ^{ex}manager of
the Daly ditches, the president
of the painted rocks water
users ass. they spoke for
those entities with out
authorization from their
boards.

I have the documenta-
tion on all of this.

406 880 5849

janski1116@aol.com

Montana State Legislature

2015 SESSION

ADDITIONAL DOCUMENTS

May include the following:

Business Page

[Signed by Chairman]

Roll Call

Standing Committee Reports

Tabled Bills

Fiscal Reports

Rolls Call Votes

Proxy Forms

Visitor Registrations

***Any other documents, which were submitted after the committee hearing has ended and/or was submitted late [within 48 hours], regarding information in the committee hearing.**

***Witness Statements that were not presented as exhibits.**

Montana Historical Society Archives

225 N. Roberts

Helena MT 59620-1201

2015 Legislative

E-Document Specialist Susie Hamilton

BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
64th LEGISLATURE - REGULAR SESSION**

HOUSE JUDICIARY COMMITTEE

Date: Saturday, April 11, 2015
Place: Capitol

Time: 10:00 A.M.
Room: 303

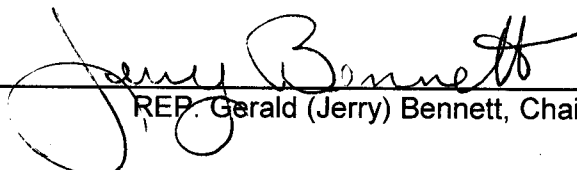
BILLS and RESOLUTIONS HEARD:

SB 262 - Implement CSKT water rights settlement - Sen. Chas Vincent

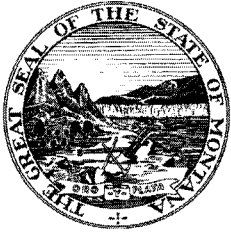
EXECUTIVE ACTION TAKEN:

None

Comments:



REP. Gerald (Jerry) Bennett, Chair



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL

NAME	PRESENT	ABSENT/EXCUSED
REP. ALAN DOANE, VICE CHAIRMAN	X	
REP. VIRGINIA COURT, VICE CHAIR	X	
REP. KATHY KELKER	X	
REP. SETH BERGLEE	X	
REP. RANDALL PINOCCI	X	
REP. CLAYTON FISCUS	X	
REP. JENNY ECK	X	
REP. ZAC PERRY	X	
REP. MATTHEW MONFORTON	X	
REP. MARGIE MACDONALD	X	
REP. ELLIE BOLDMAN HILL	X	
REP. CAROLYN PEASE-LOPEZ	X	
REP. SARAH LASZLOFFY	X	
REP. THERESA MANZELLA	X	
REP. NATE MCCONNELL	X	
REP. STEPHANIE HESS	X	
REP. G. BRUCE MEYERS	X	
REP. KIRK WAGONER	X	
REP. ANDREW PERSON	X	
REP. KEITH REGIER	X	
REP. JERRY BENNETT, CHAIRMAN	X	

21 MEMBERS

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

PLEASE PRINT

Name	Representing	Support	Oppose	Info
JOHN TROCHMANN	SELF		✓	✓
CHARLES WOOLLEY	SELF		✓	✓
DEBBIE BIDLO	SELF		✓	yes
CAROLYN A. PIERSON	SELF		✓	
ROBERT D. PIERSON	SELF		✓	No
PERRY FRANCIS	Self		✓	No
Jerry Gentry	self & family		✓	NO
Jan Dee Haag	self		✓	no
Earl Brooks	self		✓	no
Trudy Samuelson	SELF		✓	yes
George Hudson	self		✓	yes
Lerk Chadwick	Self		✓	
DAN COMFORT	Self		✓	
Jim Greaves	Self		✓	
RICK MARQUART	SELF		✓	
PAULETTE MARQUART	SELF		✓	
Carolyn Palmquist	self		✓	
Daniel G. Kinniburgh	self		✓	
MARK N. WRIGHT	SELF		✓	
Ruthmarie Wright	Self		✓	
RITA C. HALL	self		✓	
John DARK	SELF		✓	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

BB 1

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Pat Kelley	Self		X	
DAVE SNYDER	SELF MISSION VALLEY		X	
Shane Owen	FJBC + SELF		X	X
CHRIS SULLIVAN	RHILCH ownership		X	
Robert C. "Bobby" Lane	Self		X	
William E. Faust	"		X	
Paula Snyder	self		X	
Kerry Paulson	self		X	
Laura O'Neil	Concerned Citizens of NW Montana		X	
Julie White	Rancher/Farmer		X	
Roy Merritt	Camas Div ELP		X	
TERRY BACKS	SELF		X	
Ed Wehrheim	IRRIGATOR		X	
DEANNA BALFOUR	IRIGATOR - MOIESTE		X	
JAN ROGERS	SELF		X	
Linda Hohenstein	self		X	
GARY L. McHENRY	SELF		X	
Shirley McHenry	Self		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

BB
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MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

PLEASE PRINT

Name	Representing	Support	Oppose	Info
David Passieri	Mission Valley Properties		✓	
Natalie Champoux	Self		✓	
Julia Fehrs	Self		✓	
John Floyd	Self		✓	
Matt Graveley	Rocky Mtn Stockgrowers - Self		✓	
Kim Skinner	Rocky Mtn Stockgrowers - self		✓	
Ross Middlemist	Self		✓	
D. Boone Cole	FJBC		✓	
Kathryn Kelly	self	✓		
Bruce White	Self - FJBC		✓	
Jim L. Baker	Self and Montana cattlemen		✓	
Joe Laskowski	Self & FJBC		✓	
ED EVERAERT	WMC ENGINEERING - FJBC			✓
Kristin Omvig	FJBC		✓	
Mike MADDY	SELF	X		
Ric Smith	C-ZI Brgy Str.	X		
Amy Kelley	SELF	X		
Dennis Dutz	SELF	X		
Jill Southerland	City of Polson	X		
Bob Sivertsen	Harro - Self		✓	
Kate Vandermeer	Montana Land & Water Alliance		✓	
Rhoda Cargill	Self		✓	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

BB
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MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Ron Trippet	self		X	
Austin Stevens	✓ ✓		x	
Zachariah Stinson				
FRED HAMMEL	FLATHEAD CO.		X	
Dale HAARR	Flathead Co - Kalispell		X	
Carol Lyons	St. Ignatius Rancher		X	
Sharon Lasich	Twin Bridges Rancher		x	
Doug LASICH	TWIN BRIDGES RANCHER		X	
Ron Stoltz	Florence mt.		X	
Jody Loomis	Self (Helena)		X	
Ila Deane Jackson	Madison County (Ranch)		X	
Golene J. Brush	Madison County landowner		X	
Dennis Parker Brush	Madison County Rancher		X	
Francine Dupuis	CSKT	X		
Joe Aquino	Flathead Reservation			
Jami Hamel	CSKT	✓		
Brend Pluff	CSKT	X		
Gaula Webster	Flathead mt	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

Gallagher

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Alice Oeschger	Mission Irrigators		✓	
Joseph E. Oeschger	" "		✓	
Arleen Adams	CS&K Tribes	✓		
Joel A. Clairmont	Tribal member Rancher Irrigator	✓		
William Tanner	CS&KT	✓		
Jennifer Finley	CSKT	✓		
JANET CAMEL	CSKT	✓		
Patricia A. Kelly	CSKT	✓		
Paul Turner	Land owner	✓		
Jan Clum	CS&KT	✓		
Claudia McCreedy	mission irrigator	✓		
Carla Roth	US Senator Jon Tester	✓		
TAKE Maciag	U.S. Senator Jon Tester	✓		
Myks Maciag	SELF	✓		
Kathi Norman Norman	Polson Resident	✓		
Katherine Neiss Cunningham	self	✓		
Herbert Clazy	Ronan, MT	✓		
VERN Clairmont	Ronan Resident	✓		
Corwin Clairmont	CSKT's member (Ronan MT)	✓		
Dorene Vallejo	CSKT member	✓		
Clarence Tzber	self		✓	
Philip Mitchell	Flathead County & Self		✓	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

G. Henry

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Willie Stevens	Ranching/CSKT	X		
John Fleming	Self	X		
Cheryl Curry	Ranching/self	X		
Rita C. Hall			✓	
Kaui Stano	CSKT-elder	X		
Dick Hook	SELF		X	
Dave Tobol	Self		X	
Billie Lee	Self	X		
Mary Stranahan	self	X		
Donna Mollica	Self	X		
Glenn Fyfe	self	X		
Heather Dawson	Self	X		
Mary Edelman	Self	X		
Virginia Dumontier	Self	X		
David Cable	Self		X	
David Ortiz	self		X	
Helene Robinson	self	X	X	
Mark Haag	self		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

Gallagher

PLEASE PRINT

Name	Representing	Support	Oppose	Info
JILL READ	SELF		✓	
JOE READ	SELF		✓	
CHUCK BURVILLE	SELF	X		
Paul Wadsworth	SELF	X		
Twila Wadsworth	Self	X		
DeAnn Williams	House District 61			
Amanda Harrow	self	X		
Ben Miller	self		✓	
Sara Klingenberg	self		✓	
Jeanette Zentgraf	self		✓	
RENEE MITCHELL	SELF		✓ Rbm	
Gloria Roark	Self		✓	
JB Hendry	Self		✓	
William K. Kleinhans	Self		✓	
Jerry Gentry	self		✓	
Jesse L. Rose	Self		✓	
Ron Hoge	"		✓	
Clarice Ryan	"		✓	
JOHN O'NEIL	"		✓	
R. ROY VALLEJO	"		✓	
Pam Holmquist	Flathead County Commission		✓	
Robert McDonnell	CSKT	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

Gallagher

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Cort Matt	SELF	✓		
Clayton Matt	CSKT	✓		
Gerald Clark	Biggerstaff Farms		✓	
Diane Brewer	Self		✓	
Kurtis Halferman	self	✓		
David M. Schmidt	SELF	✓		
Kathy Waring	self		✓	✓
Stennis Roush	SELF		✓	2
Charleen Kubichet	Self		✓	
Ludy van der Hagen	Self		✓	
Don van der Hagen	SELF		✓	
Maceine Cammer	Self	✓		
Harther Bush	Self		✓	
William H. Hix	H H Ranch		✓	
Gail Stafford	self		x	
Lynn Delecaris	self		✓	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Craig Woolard	City of Bozeman	X		
Walt Sales	Self, AGAL	X		
Kate McClure Miller	Self - CSKT	X		
Shelly Fyant	Tribal Council CSKT	X		
Kim Abbott	MHRN	X		
Sarah Howell	MT Women Vote	X		
LAMONT KINKADE	BIG FORK MT		✓	
ROGER STARKER	RONAN, MT	X		
Routledge	Great Falls, MT		X	
TERRY TANNER	CSKT, Ronan MT	X		
RICH JANSSEN	CSKT Ronan	X		
Beverly Horner	Farmer/Ranch/Ronana	X		
Jim Gilman	TA			
Thompson Smith	Self	✓		
Hayden D. Scammon		✓		
Haley Murphy #	Commercial Real Estate	X		
Tom Auacker	Self	X		
Rene Dubay	Self	X		
Jack Horner	Self	X		
David Groniger	Self	X		
Ken McAlpin	Self	X		
Gina McAlpin	Self	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Room 152

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Mary Antiste	CSKT	✓		
Len TwoTeeth	CSKT-Tribal Council	X		
TED HEIN	CAMAS IRRIGATION		X	
Elena Gagliano	Granite County		X	
DICK MOTTA	" "		X	
Charley Lyons	my Warts		X	
Karolina Martinez	Karolina L Martinez	✓		
Jason A. Kraft	J. A. Kraft	✓		
WALTER MORRIS	WALTER MORRIS GROUP		X	
Helen Morris	Helen Morris		X	
Dennis L. O'Connell	Commonsense Citizens for the CSKT Compact	✓		
Will Gravelly	RMSG-A		X	
Patrick Verbanic	SELF - VERBANIC RANCH		X	
Ron Wetsch	Wm Dingwall Co RMSG-A		X	
HARRIS HIMES	Self		X	
Margaret Mullaly	Mullaly family, Paul Mullaly, Terri Mullaly and Margaret Mullaly		X	
Judith Bystron	Self	✓		
Thomas A. Lozeau Jr.	Self & We The Membership		X	
Leslie W. Buck Jr.	Self & We The membership		X	
Tim Orr	Former FJBC,		X	
Ray Swenson	Farmer - Rancher		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

TESTIMONY sign-up

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Brian Houston	Greater Gallatin Watershed Council	X		
Howard Lyons	Self, Irrigator		X	
Terry O'Neil	Self		X	
Jan Wisniewski	Self		X	
Bill Chandler	Self		X	
Terry Prongva	Self		✓	
Wayne Blevins	FJBC, MWRA Self		X	
Bruce Elversrud	Self		X	
Jeff Wilson	Self/MONTANA/USA		X	
Wally Gough	Self - pipe-		X	X
Craig Woolard	City of Bozeman	X		
Walt Sales	Self - AAST	X		
Curtis Dykstra	Spain and Ferris Ditch	X		
John Venhuizen	Gallatin Com Dist White Ditch	X		
Lennis Iverson	Self	X		
Matt Elkhorn	Self	X		
Mick Seeburg	Self	X		
Neal Ullman	Montana Conservation Voters	✓		
Roger Raynor	Power Crossing Ranch/WFBE	✓		
Bonita Cremer	Self	X		
Dan Rimm	Dan Rimm Cattle Seed	X		
Carol Weidenaar	Weidenaar Ranches, Inc	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

BB 17

**MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE**

TESTIMONY SIGN-UP

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

PLEASE PRINT

Name	Representing	Support	Oppose	Info
BRENDA MILLER	SELF		✓	
Joan Sherman	Self	✓		
Cody Sherman	Self	✓		
Paul Guenzler	SELF	✓		
Elizabeth Sherman	self	✓		
Sharon L Guenzlor	self	✓		
Mitchell R. Jackson	Self		✓	
Janette Rosman	Self	✓		
John P Rosman or	Self	✓		
Erika Ayers Schulz	Self	✓		
Curtis Rosman	Self	✓		
Susan Lake	Lake Farms	✓		
Russell Miller	Self		✓	
Jon Almada	SELF	✓		
Beryl Lugin	Self Kim Farms	✓		
Sharon Leaf	Coalition Cons. Dist. & Self	✓		
Ang H. H. H.	Self	✓		
GEORGE ALBERDA	SELF	✓		
Helen BERGER	Self All Americans	✓	✓	
Barbara Stobel	Self		✓	
Debbie J. J.	Self		✓	
Tracy Hule	Self		✓	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

TESTIMONY

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Merrill Bradshaw	my neighborhood	X		
Billie Lee	Self	X		
Karen Dellwo (KRANTZ)	Ranch - Business	X		
Judy Preston	self	X		
Jennifer Finley	Self	X		
Judith Byrd	Self	X		
Rene Dubay		X		
Brian Hearson	Gallatin Gallatin Watershed Council	X		
Elyse Albert	Preston	X		
Lisa M Bignell	Self	X		
John Vanhuizen	Gallatin CD self white Birch	X		
Anna Lake	Lake County ^{Lake Fork} Fair	X		
Jon Alberda	Self	X		
Carl M. Smith	SRIS	X		
Wayne Slaght	Self MSGA	X		
Jay Bodner	MSGa/MLW/MASGD	+		
LINDA GREENWOOD	POBSC	X		
Janetta Rosman	Char Lo	X		
Amanda Harrow	self	X		
Len Sue Leeth	CSKT	X		
Donna Mollica	Self	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

Testimony

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Mark Roland	HD 10 Bigfork		X	
Brian Gaudy	RMSGH & Self		X	
GEORGE TRISCHMAN	Rugby Valley Cons Dist - SELF	X		
Jim Berg	Self	X		
Jessica Jomser	Self	X		
Curt Dijkstra	Spain and Ferris Ditch	X		
Don Finn	Self Kugler Ditch Co.			
GEORGE ALBERDA	SELF	X		
Bruce Wright	SELF	X		
Bonita Cremer	Self	X		
Ronda Johnston	Self	✓		
Robin Turner	Self	✓		
Rachel Carroll Rivas	Montana Human Rights Network	✓		
Mary Antiste	Self	X		
Virginia Summister	Self	X		
Alanna Fyart	Self	X		
MARY STRAHANAN	MT water stewards	X		
John Fleming	Self	X		
Amy Seaman	Montana Audubon	X		
Neil Gilman	MT Conservation Voters	✓		
Chuck Covatta	Self	X		
Robert Clark - 1	Self RONAN, MT	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

2015

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

TESTIMONY

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Carol Warner	Land Owner Pro-Compact	✓		
Mary Edelman	Self	✓		
Joan Sherman	Self	✓		
Megan McWamer	Self	✓		
William J. Cok	MT Dairy Farmers	✓		
Matthew Cremer	Melville MT, SELF	✓		
Chelcie Cremer	Self	✓		
Barbara Chillcott	Claremont Coalition ^{by Crestwood} Creek Row	✓		
Sharon L Guenzler	Self	✓		
Cody Sherman	Self	✓		
Alison Garab	Self	✓		
Rory Schauss	SELF	✓		
Terry Pitts	Self	✓		
James Matt		✓		
Kate Samuel	Self	✓		
Deborah Tombs	Self	✓		
Patty Stevens	"	✓		
Willie Stevens	"	✓		
Dorene Vallee	"	✓		
Louise Stasso	"	✓		
John Harrison	CSKT	✓		
Carol Lamb				

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

BB
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MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Jim Hagenbaugh	Self - Family	X		
Tom Beck	Refined	X		
Karen Bellwo	Family Ranch	X		
DARCIA PATTEN	Family Ranch / MEBF	X		
Gary A. Heibertschausen	Family Ranch	X		
Don Edin	Citizen, Polson	X		
Mark Roland				
Mary Edalman	Self	X		
Heather Dawson	Self	X		
Nelly Kelsy	Nine Creeks Creek Ranch	X		
Asta Montague	Franz & Driscoll	X		
BRIAN OHS	RANCHER	X		
Jacob Cargill	MT Farmer Minn	X		
Joe Duglo	Self	X		
Corwin Clairmont	Self			
VERN L. CLAIRMONT	Self	X		
Melissa Hornbein	RWRCL	X		
Sen. Dick Barrett	RWRCC, SD 45 (MSLA)	X		
Hertha Lund	Commonwealth for CSKT	X		
Pet Werman	Breadwinners	X		
Catherine McDowell	Powderville	X		
Sarah Bates	Clark Fork Coalition National Wildlife Fed.	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Visitors Register

HOUSE JUDICIARY COMMITTEE

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

TESTIMONY

PLEASE PRINT

Name	Representing	Support	Oppose	Info
John C. Anderson	Ruby Valley Conservation ^{Dist.}	X		
GEORGE TRISCHMAN	Ruby Valley Cons Dist & Self	X		
Dan Rimm	Gallatin County self	X		
MATT Flikkema	Gallatin County self	X		
Claudia McCready	Lake County self	X		
Carol Weidenaar	Gallatin County	X		
Lloyd LUIWE	CSKT	X		
Rich Janssen	CSKT, myself	X		
BRIAN UPON	CSKT	X		
Jill Southerland	City of Polson Commission	X		
Ken Arison	Polson Chamber	X		
NICK Kaufman	WGM water chamber	X		
DENNIS DUTV	SEEF	X		
LOGAN LLOYD	Myself	X		
Betty Biggs	Self	X		
Bruce Marumrah	Self	X		
Shelly Fyant	CS & KT	X		
Bob Heers	AFBF	X		
Mike Murphy	MWR A	X		
Karl Christians	L&C Farm Bureau	X		
Paul Carol	CSKT	X		
Mark Ayers	MTA	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

TESTIMONY

PLEASE PRINT

Name	Representing	Support	Oppose	Info
JIM GILMAN		X		
Colleen Coyle	Self	X		
Sen. Lee Whitford	SDS	X		
Bill Cok	Self	X		
John Crowley	Bitter Root Irrigation	X		
Holly Franz	Blgs. Chamber/Mountain Water	X		
Mike Murphy	MT Water Res. Assn.	X		
R. Tman	Painted Rock Water Users	X		
John P. Rounse	Self	X		
Lenny Iverson	Self	X		
Terry Turner	Self - CSKT	X		
DARCIA PATTEN	Family Ranch	X		
Gary A. Herbertshausen	Family Ranch	X		
Ken McAlpin	Self	X		
Steve Smith	Self	X		
Dorothy Bradley	Self	X		
NAH SALES	AGAT Self	X		
CRAIG WOOLARD	CITY OF BOZEMAN	X		
Holly Franz	Blgs Chamber/Mountain Water	X		
David Schmitt	Water Right Solutions	X		
Ruth Swaney	Self	X		
Sherwin Keep	Gallatin CD & Self	X		

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MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

TESTIMONY

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Russell Nelson	City of Belgrade, my Budd	X		
Troy Lake	self	X		
Kathryn Kelly	self	X		
John Youngberg	MSBF	X		
Reid Smith	BUSINESS COUNCIL	X		
Jack Horner	Self (Horner Ranch)	X		
ED BERRY	Self	X		
Paul Guenzler	SELF	X		
Jerry Johnson	Self	X		
Ken Cornelius	self	X		
Jim HagerbARTH	SELF-FAMILY	X		
Karen Baisland	Self CCCC	X		
CLARK MATT ^{MATT} CLARK	CSKT	X		
Thompson Smith	self	✓		
Pick May	self	✓		
Bill Greiman	self	✓		
HAWS S. McPherson	Self	X		
JAMES G. SIMPSON ^{Stopen}	SELF	X		
MARTY Lundstrom	MABA / CHS / Self	X		
Judy Preston	Self	X		
Beth Preston	Self	X		
Jim Peterson ^{AN}	Self	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

Testify

PLEASE PRINT

Name	Representing	Support	Oppose	Info
WILLIAM G. MYERS SR.	BAYSIDE PARK + MARINE CENTER LLC + MYSELF		✓	
ERIQUE WILLMAN	CANAS IRRIGATORS		✓	
Clarence Talar	Self		✓	
Dana Taylor	POTOMY Flathead		✓	
Shane Handrick	TRIOAL MEMBERS		✓	
JOAN EMBRY	SELF		✓	
CHRISTOPHER CHAVASSE	MONTANA		✓	
Jim Daugh	self		✓	
Barry Rice	Self		✓	
Bob Sitz	Self		✓	
Gene Erb	Self		✓	
Don Posini Posidio	Self		✓	
Maxine Whitson	Self		✓	
Tim Brunner	GID		✓	
Zarec Couture	self	X		
RENEE MITCHELL	SELF		Run ✓	
Jeanette Zentgraf	self		✓	
Goulds Beverly Coville	Self		✓	
Mark Haag	self		X	-yes
George Hudson	self		X	yes
Rick MALQUART	SELF		X	
Jim Daugh	self		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

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[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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22

Room 152

Sponsor: Sen. Chas Vincent

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MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: **Sen. Chas Vincent**

TESTIMONY SIGN-UP

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Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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**MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE**

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Verdell Jackson	Self		X	
Mark Ouzado	Self		X	
Bob Fanning	Self		X	
Gerry Banzet	Self		X	
Joyce Banzet	Self		X	
Maxine Whitson	Self		X	
Bruce Mazurkitch	Self	X		
Betty Biggs	Self	X		
Bruce Wright	Self	X		
Sam Sill	Missoula Chamber	X		
Barty Rice	Self		X	
Rick Jones	Self & Ranch		X	
Rick Jones	Self		X	
Gerald Cuvillier	Self		X	
Beverly Cuvillier	Self		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

BB 13

Sponsor: **Sen. Chas Vincent**

~~Testimony Sign IN~~

PLEASE PRINT

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MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: **Sen. Chas Vincent**

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Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Kathy Hozak			✓	
Jim Kersick			✓	
Jill Shepherd			✓	
Thomas Shepherd			✓	
Samantha Shepherd			✓	
Stephanie Shepherd			✓	
Bill & Ann			✓	
Robert Starks			✓	
Diane Speer			✓	
Andrew Speer			✓	
Patrick McCain	member Tea Party		✓	
Bill Slaughter	Granite Co Commissioner		✓	
Jim Dinsmore			✓	
Mark Palmquist	Blount MT Condolence		✓	
N.C. Stevens	Self		✓	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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**MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE**

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

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Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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**MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE**

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

PLEASE PRINT

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BB

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

PLEASE PRINT

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BB

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

TESTIMONY

PLEASE PRINT

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Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

AB

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

TESTIMONY

PLEASE PRINT

Name	Representing	Support	Oppose	Info
<i>Judy Greendorn</i>	<i>self</i>		<i>X</i>	
<i>Diane Eilo</i>	<i>self</i>		<i>X</i>	
<i>Benjamin</i>	<i>self</i>		<i>X</i>	
<i>Joe Kent HD 15</i>	<i>Self</i>		<i>X</i>	
<i>Chaei Rajan</i>	<i>self</i>		<i>X</i>	
<i>Michael R. Fisher</i>	<i>self</i>		<i>X</i>	
<i>Christopher Sullivan</i>	<i>RANCH</i>		<i>X</i>	
<i>Bruce White</i>	<i>Self / F3BC</i>		<i>X</i>	
<i>JOHN EMBRY</i>	<i>Self</i>		<i>X</i>	
<i>Bob Silver 4 sen</i>	<i>self</i>		<i>X</i>	
<i>Sharon MATTHEWIDAS</i>	<i>self</i>		<i>X</i>	
<i>Kathleen Rush</i>	<i>Self</i>		<i>X</i>	
<i>William H. IV ?</i>	<i>4 Ranch</i>		<i>X</i>	
<i>Helen Matus</i>	<i>self/Ranch</i>		<i>X</i>	
<i>Brant Nelson ?</i>	<i>self</i>		<i>X</i>	
<i>TED HEIN</i>	<i>CAMAS</i>		<i>X</i>	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

AB

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: Sen. Chas Vincent

Testimony

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Eearne Williams	CAMAS IRRIGATION			
Gloria Hawk	MORRIS RANCH		X	
Jan Franklin	self and husband		we	
Robert Starks	self		X	
Patrick Verlaovic	SELF - Verlaovic Ranch		X	
Jerry Gentry	SELF		X	
FRED HAMMILL	SELF		X	
Abigail St. Lawrence	FJBC		X	
John Olson?	SELF		X	
Laura O'Neil	Concerned Citizens of NW Montana		X	
Helen Robinson	self		X	
Gerald Clark	self and family		X	
Teri Swenson	Self		X	
GARY LITCHENAY?	SELF		X	
Shirley McHenry	Self		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Saturday, April 11, 2015

SB 262 - Implement CSKT water rights settlement

Sponsor: **Sen. Chas Vincent**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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Room 152

Sponsor: Sen. Chas Vincent

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THE FOLLOWING
DOCUMENTS
WERE HANDED END
AFTER THE GRAVEL
SOUNDED.

PORTIONS HAVE BEEN
SCANNED FOR YOUR
RESEARCH

IF YOU WANT TO VIEW THEM

THEY CAN BE SEEN AT THE

Montana Historical Society Archives,
225 N. Roberts, Helena, MT 59620-1201;
phone (406) 444-4774.

Chambers, McKenzie

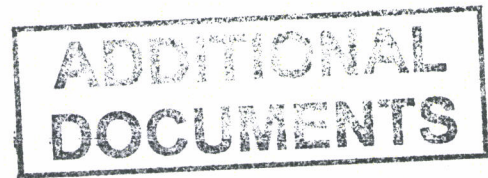
From: Robert Capriccio <rcapriccio@icloud.com>
Sent: Thursday, March 05, 2015 6:23 PM
To: Chambers, McKenzie
Subject: HB 262 Tribal Water Compact

>
> House Judiciary Committee
> Re: HB 262 Tribal Water Compact
>
> Distinguished Representatives,
>
> I am a rancher/irrigator in Mission Valley (St. Ignatius) and I want to urge you to SUPPORT the Tribal Water Compact in any way that you can. I believe that it is a fair and just compact and that all parties involved will benefit by it and our water rights will be protected by law.
> This has been a contentious topic in the valley for too long and I believe it is time to put this behind us.
>
> Thank you for your strict attention to this very important bill.
>
> Robert Capriccio
> P.O. Box 370
> St. Ignatius, MT 59865
>
>



POLSON CHAMBER OF COMMERCE • 406-883-5969 • Fax 406/883-1716 • P.O. Box 667 • Polson, Montana 59860-0667

House Judiciary Committee Chairperson
Montana House of Representatives
PO Box 200400
Helena, MT 59620-0400



Dear Chairperson,

The Polson Chamber of Commerce Board of Directors would like to express its support of the water compact with the Confederated Salish and Kootenai Tribes. It is the primary concern of the Chamber of Commerce to promote and encourage growth of the local businesses of Polson. This includes laying a foundation of support to promote future businesses who are not even here yet, to consider our community when looking for a place to set their roots.

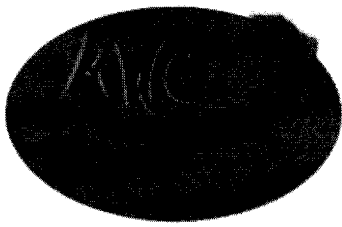
The Chamber of Commerce believes the water compact is vital to Polson's growth and economic future, and that without it, the long-term and risky litigation to try and defend water rights may potentially cripple the future success of business in Polson.

The Board of Directors would like to thank you for taking the time to hear our thoughts and concerns. We hope that you too will join us in supporting the water compact with the Confederated Salish and Kootenai Tribes.

Best Regards,

Louis Cross
President

Polson Chamber of Commerce



Musselshell Watershed Coalition
Coordinator: Laura Nowlin
P.O. Box 118
Winnett, MT 59087
<http://musselshellwc.wix.com/musselshellwc>

March 6, 2015

House Judiciary Committee
c/o McKenzie Chambers
Capitol Building
Helena, MT 59620

DOCUMENTS

Re: CSKT Water Compact

Dear House Judiciary Committee,

The Musselshell Watershed Coalition (MWC) is writing to support the CSKT-Montana Water Compact. The Musselshell River Watershed contains approximately 9,500 square miles. The entire area is home to approximately 9,325 people. The main stem of the Musselshell River flows from the confluence of the North and South Forks near Martinsdale for nearly 340 miles to Fort Peck Reservoir and provides irrigation water for nearly 85,000 acres and 250 farms and ranches. It is also within the CSKT aboriginal territory.

The core members of the MWC comprise water user groups and conservation districts in the Musselshell Basin. We are concerned about our own water rights, as well as those of our fellow Montanans across the state. We feel that approving the Compact is the best way to ensure continued historical use of water rights in both western and eastern Montana.

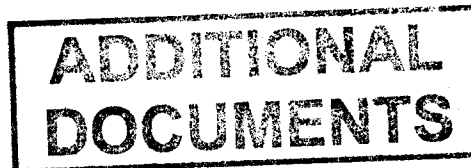
Thank you for your time.
Sincerely,

Bob By
Chairman,
Lower Musselshell CD
Shirley Passail
Vice-Chair
Sam
UMWUA
Jim Hice
Deerman's Basin WUA
Ann Pettig

James T. Marchi
Chief Water Commissioner Musselshell River
Diane Ahlgren
Ralph & Celia
Chairman PC Conservation District
Bill Miller Flatbush Ranch
Laura Nowlin, Coordinator, MWC

920 Northview Ave.
Great Falls, MT. 59404

April 8, 2015



Dear Chairman Bennett and Members of the House Judiciary Committee,

We urge the House Judiciary Committee members to vote NO on SB 262, the CSKT Water Compact bill.

Why is this the only Compact in Montana that includes off-reservation water rights? How is a fishing right a water right? The CSKT Compact is an unlawful and unprecedented taking of water belonging to the State of Montana. None of the other Stevens treaty tribes in Idaho, Washington, and Oregon that had the same language in their treaties as the CSKT had in the Hellgate Treaty, claim off-reservation water rights. What are the ramifications of this precedent-setting deal? Law and precedent for off-reservation water rights do not exist and would be created out of thin air.

You must vote NO on SB 262 if you do not know the full legal, economic and environmental impacts of the Compact. At the hearing before the Senate Judiciary Committee on February 16, we heard testimony that the DEQ failed to review the impact of the Compact as requested by two legislators. Basic questions remain unanswered and legislators are being asked once again to pass a Compact they have not had the time to read or study all of its ramifications.

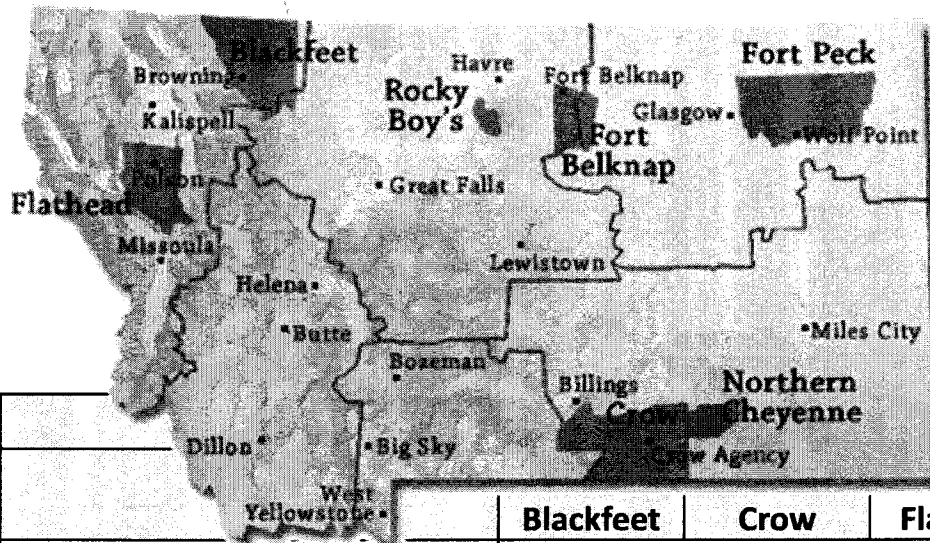
The CSKT Compact forces irrigators to relinquish their water rights to the CSKT in exchange for a diminished allotment. Farmers could be forced out of business. At the hearing we heard several people including farmers say that their concerns were either ignored or not addressed in the past two years.

With the creation of the Unitary Management Ordinance, many Montana citizens will no longer be protected by state water law or state courts. This is an infringement upon the constitutional rights of these citizens. Water claims should go before the Montana Water Court which has handled over 200,000 claims. This is the purpose of the Court. The threat of lawsuits is an egregious scare tactic to coerce support for the Compact.

The Compact violates Article IX, Section 3 and Article II, Section 4 of the Montana Constitution that you took an oath to uphold. This is an unprecedented assault on the rights of Montanans. Please vote NO on SB 262, the CSKT Water Compact bill.

Sincerely,

Julie and Jeff Wolf



COMPARISON OF MONTANA INDIAN RESERVATION RESERVED WATER RIGHTS COMPACTS

	RESERVATION						
	Blackfeet	Crow	Flathead	Fort Belknap	Fort Peck	Northern Cheyenne	Rocky Boy
Population within Reservation Boundaries	Source: 2010 US Census of Housing and Population CPH-1-28						
Tribal	8,944	5,322	7,042	2,704	6,714	4,406	3,221
Non-Tribal	1,461	1,541	21,317	147	3,294	383	102
Total Population	10,405	6,863	28,359	2,851	10,008	4,789	3,323
Land w/in Reservation Boundaries (Acres)	Source: Indian Education for All—MT Office of Public Instruction 2009						
Tribal Trust	311,175	404,172	653,214	210,954	413,020	326,547	122,259
Tribal Allotments	701,816	1,166,406	58,729	406,533	516,092	113,277	0
Other (State/Federal/Private)	512,721	894,336	531,057	28,089	1,164,012	4,951	0
Total Land	1,525,712	2,464,914	1,243,000	645,576	2,093,124	444,775	122,259
Reserved Water Right Award (Acre Feet)							
On Reservation	86,880	800,000	16,300,951	500,000	1,052,472	89,530	20,000
Off Reservation	0	0	31,774,647	0	0	0	0
Total (Data Source: See Items 1 or 2 below)	(1) 86,880	(1) 800,000	(2) 48,075,598	(1) 500,000	(1) 1,052,472	(1) 89,530	(1) 20,000
Compact Details							
On Reservation Water Rights Administration	U.S./MT/Tribe	U.S./MT/Tribe	Tribe/UMO	U.S./MT/Tribe	U.S./MT/Tribe	U.S./MT/Tribe	U.S./MT/Tribe
Off Reservation Aboriginal Treaty Rights	No	No	Yes	No	No	No	No
Relinquish Irrigation Water Rights to Tribe	No	No	Yes	No	No	No	No
Ratified Montana Legislature / U.S. Senate	2009 / No	1999 / 2010	No / No	2001 / No	1985 / 1994	1991 / 1992	1997 / 1999
Statistics:							
Acre Feet / Tribally Owned Acre	0.09	0.51	67.53	0.81	1.13	0.20	0.16
Acre Feet / Tribal Member	9.71	150.32	6,826.98	184.91	156.76	20.32	6.21

(1) Negotiating Tribal Water Rights: Fulfilling Promises In The Arid West, By Bonnie G. Colby, John E. Thorson, Sarah Britton

(2) Flathead Reservation based upon Concerned Citizens of Western Montana Analysis. Note: the compact commission has refused to provide their own numbers.

House Judiciary Committee Hearing, April 11, 2015
Montana House of Representatives, Helena, Montana

Chairman Bennett, and Members of the Committee



I am opposed to the CSKT Compact; SB262

In 1996 the Montana Supreme Court stopped the Water Court from processing water claims on the Flathead Reservation. It is my understanding that there are between 9,000 and 10,800 claims that have been waiting for about 20 years to be processed by the Water Court. Many of these claims are duplicated. The Flathead Indian Irrigation Project filed many claims, and the CSKT tribe also filed on some of the same water. There are also irrigators who have filed claims on this same water. During this past 20 year period, there have been several court actions and many years with the "Reserved Water Rights Compact Commission", trying to reach an agreement as to which organizations concerned with the Indian Reservation, should be able to tell the Water Court how to do their job.

So that those of you reading this might better understand some of the Compact; on page 40, of SB262, line 14 starts: 1. Establishment of Board and read down to line 24 and then read: 2. Voting members.

This page explains the Legislative power, Administrative power and Judicial power of this 5 person, appointed board, which will have complete control of all of the water on the Flathead Indian Reservation.

Assume for a moment, that you claimed property (water right), and another entity (the tribe) claimed the same property (water right), and that same tribe had appointed two (and maybe three) of the five members of the board, that had total power over the decision of who ended up with the property, would you feel comfortable with the fairness and integrity of those decisions? I believe the above is justification for voting down this compact.

From the Montana Constitution:

Article IX, Section 3. Water rights. (3) All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law.

I feel this compact turns much of the water west of the continental divide over to Tribes and the U.S. Government for the use of the tribes and the government, not the Indian people, therefore this would change our Constitution. To do this, it can only be done legally with an amendment, which requires the vote of the people. This is another justification for voting down this compact.

When this Legislature votes down this CSKT Compact, they must do one other thing. They must get assurance from the Montana Supreme Court that the Court will not allow interference to

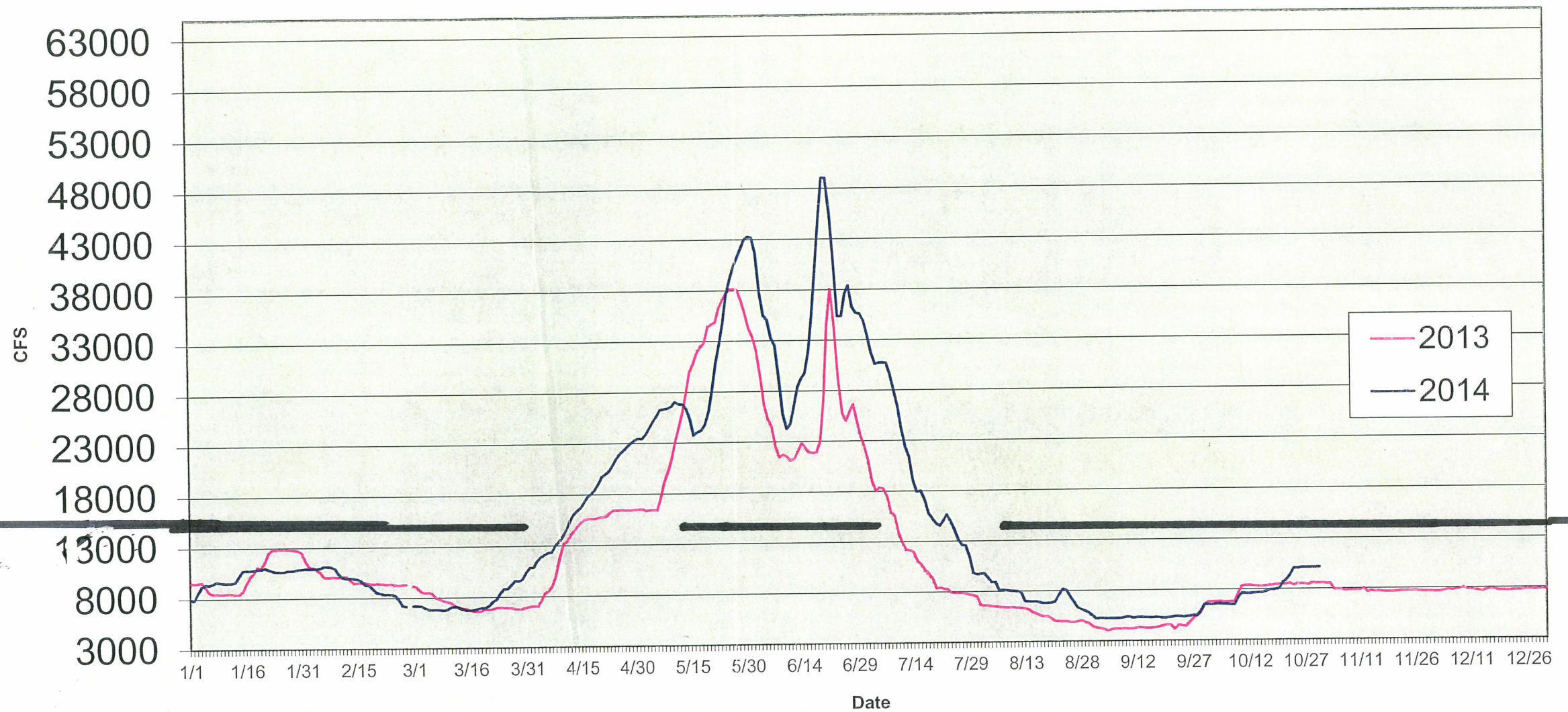
the Water Court, and that the Water Court is allowed and ordered to get their job done. If the Supreme Court cannot give that assurance, the Legislature must give the water court an appropriation of not more than \$1.00 for the next biennium. They must also give the DNRC section that works with water rights and permits the same consideration, an appropriation of not more than one Dollar. When the Montana Supreme Court gives the proper assurance, that the "Water Court" can do their work unimpeded, the Legislature should provide the proper appropriations.

The Federal Courts, Bureau of Indian Affairs, the Tribes, the Montana Courts and many lawyers, have spent more than 20 years and much wealth, trying to push this wagon up the hill with a rope. This Legislature should turn the wagon around and insist the Montana Water Court, "get to crackin," and pull the wagon up the hill. I believe it is past time that this legislature requires the settlement of Montana's water adjudication be completed by the Water Court and the DNRC, so that the Flathead Reservation water is processed, just like the other water rights in Montana have been handled over the rest of the State.

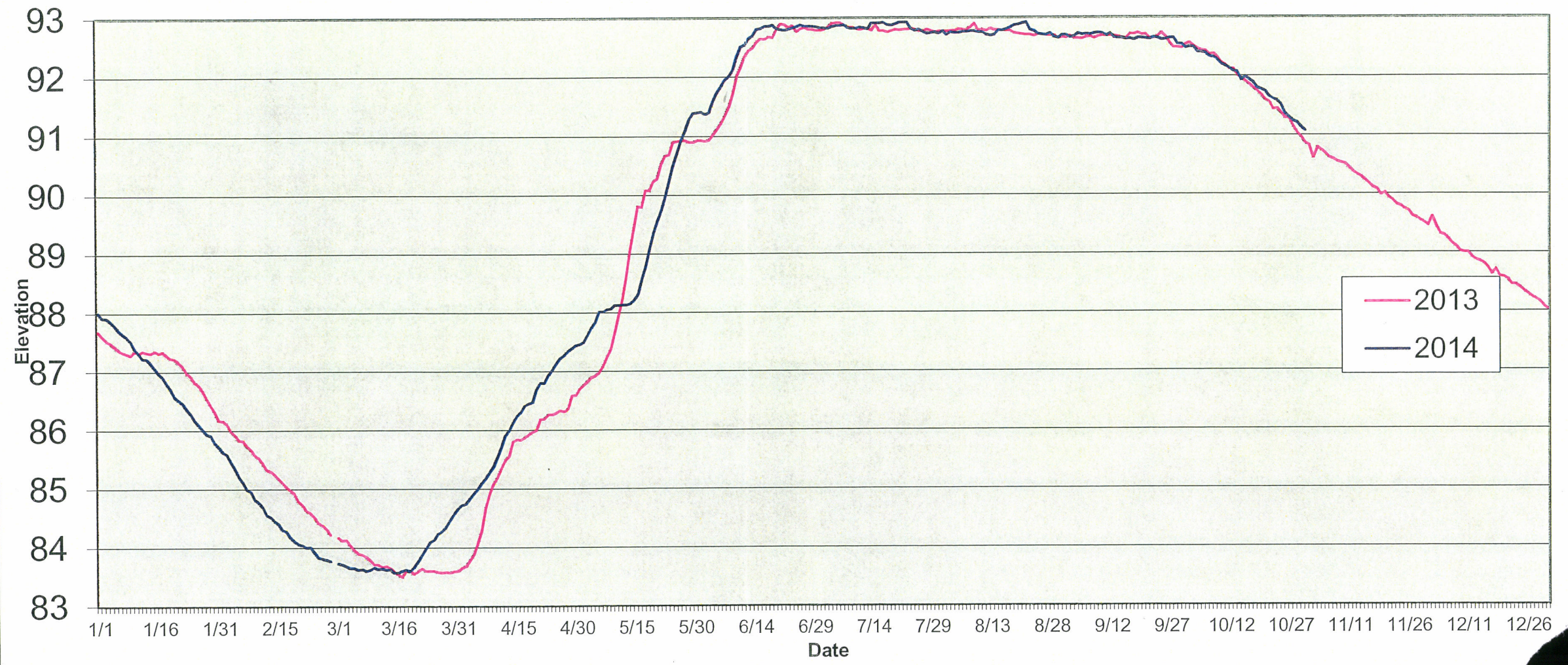
Jim Paugh,
Coffee Creek, MT 59424

Phone: (406) 566-2255
e-mail: jimpaugh@itsTriangle.com

**ADDITIONAL
DOCUMENTS**



ADDITIONAL
DOCUMENTS



MONTANA WATER LAW KEY TERMS & CONCEPTS

OPTIONAL
DOCUMENTS

WATER RIGHT KEY TERMS

Abandonment: Intentional, prolonged nonuse of a water right, resulting in its loss

Appropriate: To capture, impound, or divert water from its natural course and apply toward a beneficial use.

Basin: The area drained by a river and its tributaries; a watershed. Montana has been divided into 90 water rights basins. See http://dnrc.mt.gov/wrd/water_rts/adjudication/

Call: The holder of a water right with a senior priority date and an immediate need for a use of water may require a holder of a water right with a junior priority date to refrain from appropriating water otherwise physically available until the senior water right is satisfied. This curtailment is termed "making a call".

Consumptive Use: A beneficial use of water that reduces supply, such as irrigation or household use.

Diversion: An open, physical alteration of a stream's flow away from its natural course.

Flow Rate: That rate at which water is diverted from a source, generally expressed in cubic feet per second or "cfs".

Ground Water: Any water beneath the land surface, bed of a stream, lake, or reservoir.

Instream Flow: Water left in a stream for nonconsumptive uses such as preservation of fish or wildlife habitat.

Junior Appropriator: A secondary user on a watercourse who holds a water right inferior to previous (senior) users.

Priority Date: The official date of an appropriation, generally the date of established intent; used in determining seniority among water users.

Prior Appropriations: The principle governing water law in Montana, namely that first in time is first in right, and that a senior appropriator is entitled to use the last drop of water to which that user is entitled before a junior appropriator may use the first drop of theirs.

Senior Appropriator: An original user on a watercourse who holds a water right superior to all subsequent (junior) users.

Surface Water: Water above the land surface, including lakes, rivers, streams, wetlands, wastewater, flood water, and ponds.

Watercourse: Any naturally occurring stream or river, not including ditches, culverts, or other constructed waterways.

Watershed: A geographic area that includes all land and water in a drainage system.

MEASUREMENT TERMS & ACRONYMS

Acre Foot (AF): A measurement based on the volume of water that will cover 1 acre to a depth of 1 foot.

Acre Feet per Year (AFY): Maximum volume allowed for use during the course of a year

Cubic Feet per Second (cfs): A measurement based on a rate of water flow that will supply 1 cubic foot of water in 1 second.

Gallons per Minute (gpm): A measurement based on a rate of water flow that will supply 1 gallon of water in 1 minute.

Miner's Inches (MI): By Montana law, 1 cfs is approximately equal to 40 miner's inches.

Volume: Amount of water diverted over a specific period of time.

DNRC QUICK CONVERSION CHART

MI x 11.22 = GPM	CFS x 40 = MI
MI ÷ 40 = CFS	CFS x 448.8 = GPM
MI x .0495 = AF/ DAY	CFS x 1.98 = AF/ DAY
GPM ÷ 11.22 = MI	AF/DAY ÷ 1.98 = CFS
GPM ÷ 448.8 = CFS	AF/DAY x 226.67 = GPM
GPM ÷ 226.67 = AF/DAY	AF/DAY ÷ .0495 = MI

For DNRC's full conversion & usage chart:

https://dnrc.mt.gov/wrd/water_rts/wr_general_info/wrforms/615.pdf

COMPACTS & RESERVED WATER RIGHTS

Aboriginal Water Right: Aboriginal (or original) title to Indian lands and waters established long prior to the creation of an Indian reservation by Indian occupation of the land and use of water for hunting, fishing and spiritual purposes. These rights typically become recognized when a reservation is established by treaty or statute on aboriginal lands. The recognized priority date is usually "time immemorial," *see definition below. See also U.S. v. Adair*, 723 F.2d 1394, 1412-15 (9th Cir. 1983).

Compact: A legal agreement between Montana and a federal agency or an Indian tribe determining the quantification of federally or tribally claimed water rights.

Reserved Water Right: A special water right accompanying federal lands or Indian reservations, holding a priority date originating with the creation of the land.

Time Immemorial: Time extending beyond the reach of memory, record, or tradition, indefinitely ancient, "ancient beyond memory or record;" a time before legal history and beyond legal memory.

Walton Right: A non-Indian purchaser of an Indian allotment also acquires the Indian allottees' share of the reservation's irrigation water rights; the priority date of the right remains the date of the creation of the reservation; and, unlike the Indian allottee, the non-Indian purchaser loses the reserved water right if it is not put to use. The non-Indian purchaser is limited to the quantity of water that he/ she puts to use with reasonable diligence after the transfer of title to the land. See *Colville Confederated Tribes v. Walton*, 647 F.2d 42 (9th Cir. 1981) and William C. Canby, Jr., *American Indian Law in a Nutshell* 485-487 (West 2009).

Winters Doctrine: Amalgamation of federal case law defining a reserved Indian water right as a right to water sufficient to carry out the purposes of the reservation with a priority date as of the date of establishment the reservation. See *Winters v. U.S.*, 207 U.S. 564 (1908); *Arizona v. California*, 373 U.S. 546 (1963); *Cappaert v. U.S.*, 426 U.S. 128 (1976); *U.S. v. Adair*, 723 F.2d 1394, 1408-1411 (9th Cir. 1983). Under the Montana Water Use Act, tribal reserved water rights must be resolved through Montana's statewide adjudication process. The Montana Supreme Court has ruled that the Act is adequate to adjudicate federal and Indian reserved water rights. *State ex rel. Greely v. Confed. Salish & Kootenai Tribes*, 219 Mont. 76, 95 (1985). However, though the Water Court can adjudicate tribal reserved rights, its decisions will be subject to scrutiny by both the Montana and U.S. Supreme Courts. *Id.*

ADJUDICATION TERMS

Adjudication: A judicial procedure decreeing the quantity and priority date of all existing water rights in a basin.

Administrative Rules of Montana (ARM): A collection of state agency rules used in the implementation of federal and state codes.

Appeal: To transfer a case from a lower to a higher court for a new hearing.

Claim: An assertion that a water right exists, usually occurring during the adjudication process.

Decreed Water Right: A water right issued by the court upon adjudication of a stream.

Existing Right: A Montana water right originating on or before July 1, 1973, that is subject to adjudication.

Injunction: A court order prohibiting a specific act or commanding the undoing of some wrong or injury.

Issue Remark: A statement added to an abstract of water right in a water court decree by the department or the water court to identify potential factual or legal issues associated with the claim. The term also includes "gray area remarks" that were the result of the verification process.

Interested Person: A person with a real property interest, water right, or other economic interest that may be directly affected.

Montana Water Use Act (MWUA): The laws of Montana that govern water rights adjudication and administration. Found at Title 85 of the Montana Code Annotated.

Murphy Right: In 1969, the Montana Legislature enacted legislation granting the Montana Fish and Game Commission authority to appropriate unappropriated waters on 12 streams to maintain instream flows for the preservation of fish and wildlife habitat. These are known as Murphy rights after Representative James E. Murphy, who sponsored the measure. The Legislature established specific reaches of the following sources: Big Spring Creek in Fergus County; Blackfoot River in Missoula and Powell Counties; Flathead River and Middle Fork Flathead River in Flathead County; South Fork Flathead River in Flathead and Powell Counties; Gallatin River and West Gallatin River in Gallatin County; Madison River in Madison and Gallatin Counties; Missouri River in Broadwater, Lewis and Clark, and Cascade Counties; Rock Creek in Granite and Missoula Counties; Smith River in Cascade and Meagher Counties; and Yellowstone River in Stillwater, Sweet Grass, and Park Counties. The priority dates are 1970 or 1971.

Preponderance of the Evidence: Convincing evidence that shows that the facts are more probable than not. Standard used in the Montana Water Court to determine water right validity.

Valid: Recognized by law; legal and enforceable. Under Montana water law *validity* is used to determine water rights possession and assignment. Only those with valid water rights have an enforceable right to water. Validity for pre-1973 rights is determined through the adjudication process in the Montana Water Court. Post-1973 water rights are obtained through the permitting process with DNRC.

Vested: A term used in some other Western states to describe water rights that are secured in the possession of or assigned to a person. Montana water law does not use this term or concept for determining water rights possession or assignment. *See Valid, above.*

Water Court: Only Montana court with exclusive jurisdiction over the adjudication of water rights claims.

Water Master: An attorney versed in water law who serves at the discretion of the Water Court.

OBTAINING NEW WATER RIGHTS & PERMITTING

Permit: An authorization to use water, issued by the state, specifying conditions such as type, quantity, time, and location of use, and required for any new appropriation of water under State law after June 30, 1973.

Provisional Permit: Temporary permit for use of water.

ADDITIONAL HELPFUL RESOURCES

Water Rights in Montana, April 2014:

<http://leg.mt.gov/content/publications/environmental/2014-water-rights-handbook.pdf> (Most of the definitions in this handout are taken from this publication)

William C. Canby, Jr., *American Indian Law in a Nutshell* (West 2009)

DNRC Available Resources:

- Water Adjudication Bureau: http://dnrc.mt.gov/wrd/water_rts/adjudication/
- Reserved Water Rights Compact Commission: <http://www.dnrc.mt.gov/rwrcc/>
- Montana Closed Basins Map:
http://dnrc.mt.gov/wrd/water_rts/appro_info/basinclose-cgw_map.pdf

NOTE: The proposed Compact contains a comprehensive list of definitions. Those definitions, and any other legal definitions under State law are controlling for purposes of legal interpretation. The definitions contained in this document are merely intended to help the reader familiarize themselves with basic principles of Montana water law.

Water Right Summary of 2015 CSKT- Montana Compact

Description	Priority Date	Count	Purpose	Appendix	Water Right	Description in Practical Terms	Flow Rate (cfs)	Volume (acre-feet)
On-Reservation Water Rights								
Flathead Indian Irrigation Project (FIIP) Water Use Right	1855	3	Irrigation	Appendix 5	76L 30052930 - 76L 30052932	May serve up to, but not more than 135,000 acres (currently 128,242 acres); Exercise of this right satisfied by meeting the RDA values for each RDA Area described in Appendix 3.2. FIIP Irrigators entitled to delivery of water pursuant to Article IV.D.2.	220 Individual Points of Diversion	Maximum Diverted: 360,950 ☐
Flathead System Compact Water Right	1855	1	Any	Appendix 9	76LJ 3006381	Direct flow water right from the Flathead River, including Flathead Lake; Up to 90,000 AF per year of storage water from Hungry Horse Reservoir; state has ability to issue leases for 11,000 AF for DCMI mitigation off Reservation; Additional water can be leased from Tribes for any beneficial purpose (on or off Reservation) and is available for FIIP during Shared Shortages.	Details in Abstract	Diverted: 229,383 Consumed: 128,158
Instream Flow - Natural Sites	Time Immemorial	102	Fish & Wildlife	Appendix 10	76LJ 30052674- 76L 30052775	Nonconsumptive instream use; cannot be changed; located in headwaters above existing uses; no existing uses subject to call.	Individual Monthly Values	N/A
Instream Flow - FIIP Sites	Time Immemorial	33	Fish & Wildlife	Appendix 11	76L 30052776- 76L 30052808	Nonconsumptive instream use; cannot be changed; administered with regard to FIIP diversions according to Article IV.C-F of Compact; administered with regard to existing non-project irrigation uses according to Article III.G.3 of the Compact.	Individual Monthly Values	N/A
Instream Flow - Other Sites	Time Immemorial	49	Fish & Wildlife	Appendix 12	76LJ 30052818- 76L 30052866	Nonconsumptive instream use; cannot be changed; enforcement schedules developed per UMO section 2-1-115 must allow for exercise of all valid existing water rights.	Individual Monthly Values	N/A
FIIP Reservoir Minimum Pool	1855	2	Fish & Wildlife	Appendix 15	76L 30052927 & 76L 30052927	Pool minimums designated to protect reservoir biology.	54 Individual Points of Diversion	Evaporation
Wetlands - Protective	Time Immemorial	12	Fish & Wildlife	Appendix 16 Appendix 21 Appendix 23 Appendix 24	76L 30052661- 76L 30052667, 76L 30052922-, 76LJ 30052926	Cannot be used to make call on any water right; no artificial means of diversion or control of water that can be used to manipulate or otherwise affect the water supply, these water rights serve to protect existing Wetlands from adverse effects from new permits and changes to existing water rights.	N/A	N/A
High Mountain Lakes	Time Immemorial	6	Fish & Wildlife	Appendix 17	76L 30052668- 76L 30052673	No artificial means of diversion or control of water; Located in headwaters above all existing water uses, therefore no existing uses will be subject to call.	N/A	N/A
Flathead Lake	Time Immemorial	1	Fish & Wildlife	Appendix 18	76LJ 30052867	Nonconsumptive minimum lake elevation water right that protects the natural elevation level of Flathead Lake, below elevations maintained by Kerr Dam. No artificial means of diversion or control of water. Enforceable at natural lake level 2883' in elevation; Does not affect any existing water users or allow Tribes to drain the lake to that level.	N/A	N/A
Power Generation - Boulder & Hellroaring	1855	3	Hydropower	Appendix 19 Appendix 20	76LJ 30052870- 76LJ 30052872	Non consumptive hydro power water rights.	8 6	nonconsumptive

Water Right Summary of 2015 CSKT- Montana Compact

Description	Priority Date	Count	Purpose	Appendix	Water Right	Description in Practical Terms	Flow Rate (cfs)	Volume (acre-feet)
Off-Reservation Instream Flow Water Rights								
Kootenai River	Time Immemorial	1	Instream Fishery	Appendix 25	76D 30063810	Nonconsumptive instream flow right. Enforceable daily flow schedule based on seasonal water supply under dry year conditions. Not enforceable up tributaries or at all so long as Libby Dam remains in existence, and the Army Corps is in compliance with 2008 Biological Opinion.	Individual Daily Values	N/A
Swan River	Time Immemorial	1	Instream Fishery	Appendix 26	76K 30063809	Nonconsumptive instream flow right. Enforceable daily flow schedule based on seasonal water supply under dry year conditions. Enforceable only against surface water irrigation and over 100 gallons per minute hydrologically connected groundwater irrigation rights. Water right does not affect legal availability for new permit applicants under current DNRC regs.	Individual Daily Values	N/A
Clark Fork River	Time Immemorial	1	Instream Fishery	Appendix 27	76N 30063808	Nonconsumptive instream flow right that equals the Cabinet Gorge and Noxon Dam minimum FERC requirement currently established at 5,000 cfs. Should the FERC requirement be lowered, the enforceable flow rate for this water right must be reduced to match. Enforceable only against mainstem (not tributary) surface water irrigation and over 100 gallons per minute hydrologically connected groundwater irrigation rights. Right does not affect legal availability for new permit applicants under current DNRC water right permitting regulations.	5,000	N/A
North Fork Placid Creek	Time Immemorial	1	Instream Fishery	Appendix 35	76F 30063811	Nonconsumptive instream flow right. There is only one (FIIP) diversion upstream of the protected stream reach; historic diversion levels for this right are maintained.	10	N/A
Kootenai Tributaries: Big, Steep, Sutton, and Boulder Creeks	Time Immemorial	4	Instream Fishery	Appendix 36	76D 30063807, 76D 30052869, 76D 30063806, & 76D 30052868	Nonconsumptive instream use; Cannot be changed; Located in headwaters above all existing water uses, therefore no existing uses subject to call.	Individual Daily Values	N/A
Former Milltown Dam Water Right	1904	2	Instream Fishery	Appendix 30 Appendix 31	76M 94404 01 & 76M 94404 02	Former Milltown Dam hydroelectric water right is changed by the Compact into 2 nonconsumptive instream flow rights. Enforceable daily flow schedule based on seasonal water supply under dry year conditions. Enforceable only against <u>junior</u> surface water irrigation and > 100 gallons per minute groundwater irrigation rights after 4 of 5 consecutive days below minimum flow. Requires 10 years stakeholder planning effort.	Individual Daily Values	N/A

Total Water Rights Recognized 222

- This summary does not include existing water rights to be co-owned by the Tribes and DFWP as these are previously existing, filed water rights-appendices 22, 24, 28, 30
- For more information email: dnrrwrcc@mt.gov or call 406-444-5700

Most Frequently Asked Questions/Assertions by Non-Indian Reservation Residents

Why does the Commission support this diminishment of citizenship status for non-tribal member state citizens who live within the Reservation?

Response: This question assumes that the State has and properly should have full control of administration of water rights within the Reservation.

As to the first part, the State does not currently have control of administration of water rights within the Reservation, because, since 1996, the Montana Supreme Court has prevented the State of Montana from issuing new water use permits on the Reservation until tribal reserved water rights are fully quantified and determined.

As to the second part, the Tribes have reserved water rights and treaty rights under both federal and state law. Those rights affect water rights arising under State law. In light of that, the question of who administers the water rights within the Reservation is one of the questions that has to be answered by any Compact between the State and the Tribes. Montana's Compacts with some other Tribes have set up dual administration, with the Tribes administering tribal rights and the State administering state-based rights. Even with dual administration, the State wouldn't fully control administration of water rights within the Reservation. In this Compact, the negotiated resolution sets up a unitary administration under a Board that has both tribal and non-tribal membership, a practical solution given the circumstances of this Reservation. The alternative to the Compact solution to the problem would be litigation in which a court would try to find a solution, but even the court would be constrained to recognize tribal rights under applicable law, meaning the solution would not be for full State control over water rights within the Reservation.

The Compact will bring the current uncertainty to an end in a way that balances tribal and non-tribal interests and reflects the realities of the applicable law for both the Tribes and the State.

If Article VIII of the Montana constitution applies fully to these individuals and their property why would Article IX not apply fully as well? (Article VIII is taxation, Article IX is Natural Resources.)

Response: Article IX does fully apply to non-Tribal member state citizens who live within the Reservation, and the Compact doesn't change that. Article IX section 3 subsection (3) provides that "All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law." Under this section, the State owns all the water, and its job is to ensure that "its people" can use the water as set forth in applicable law. Nothing in the Compact changes that, as the Commission cannot, does not and will not negotiate over ownership. What the Compact does is make agreements as to the rights to use of water owned by the State. The Compact is also consistent with the provisions of Article IX section 3 subsection (4) that the legislature shall provide for the administration, control, and regulation of water rights and establish a system of centralized records. This is so because, in approving the Compact, the legislature will be providing for a system of administration of water, one which will create a database which operates with the State's DNRC database, to create a centralized system of records.

Most Frequently Asked Questions/Assertions Regarding Constitutionality of the CSKT Water Compact

The Compact is unconstitutional as a Fifth Amendment taking.

Response: The CSKT Water Compact Is Not a Taking Under the Fifth Amendment to the United States Constitution. It is very unlikely that a court would consider the Compact to be a taking under the Fifth Amendment because it does not take title from any property owners. The Compact is explicit: "Nothing in this compact shall be construed or interpreted . . . [t]o transfer, convert, or otherwise change the ownership or trust/fee status of land on the Reservation. Specifically, nothing in this Compact changes fee owned land to trust land or trust land to fee land, or in any way alters the ownership status of land within the exterior boundaries of the Flathead Indian Reservation." January 12, 2015 Proposed Compact, Article V(B)(24), p. 58. Moreover, while the Compact does provide for a prioritization and regulated distribution of water on the Reservation, that does not make it a taking under the Fifth Amendment because it does not render non-Tribal water users' rights economically valueless. In fact, in many ways the Compact adds value and stability to existing water use claims by limiting the Tribes' ability to call junior water rights. Arguments that the Compact is a taking appear to be based on either a misunderstanding of what constitutes a taking under the Fifth Amendment or, perhaps more likely, a misunderstanding as to what the Compact actually does.

The Compact is unconstitutional because it violates Equal Protection by treating Reservation residents who are not Tribal Members differently from other Montana citizens.

Response: The Compact Does Not Violate Equal Protection By Treating Off-Reservation Water Users Differently Than On-Reservation Water Users. The Compact does not violate Equal Protection by treating non-Tribal water users on the Reservation differently than water users in other parts of the state. Non-Tribal water users on the Reservation are not similarly situated with water users in the rest of the State because of the unique water rights that the Tribes have under federal law. The State is not free to disregard the Tribes' superior water rights on the Reservation, and that naturally has implications for non-Tribal water users living on the Reservation. Thus, the Montana Supreme Court and the United States Supreme Court have recognized that it does not violate equal protection to treat tribal members differently when doing so is "rationally tied to the fulfillment of the unique obligation" to Indians that is created by federal law. *State v. Shook*, 313 Mont. 347, 351 (2002); *Morton v. Mancari*, 417 U.S. 535, 555 (1974). In short, even if the Compact is viewed as treating water users differently, those distinctions are based on federally defined Indian reserved rights that the State is required to recognize and administer.

The Compact is unconstitutional because it violates Article IX, Section 3 of the Montana Constitution by giving the Tribes ownership of water.

Response: The Compact Does Not Violate Article IX, Section 3 of the Montana Constitution. Article IX, Section 3 states that all water within the State is owned by the State. The Compact does not give ownership of State water to the Tribes. Rather, the Compact is a negotiated settlement of water use. The State is obligated to follow federal law in recognizing the superior on-Reservation water rights of the Tribes. The Compact is designed to balance those interests with non-Tribal water use, and limit the Tribe's ability to call junior water rights.

The Compact, if approved by the Legislature, will also be in conformance with Article IX, Section 3's requirement to administer, control, and regulate water rights. Indeed, that is the Compact's very purpose.

Moreover, the Compact requires that all changes in water rights must be entered into the DNRC's "system of centralized records" that the Montana Legislature established pursuant to Article IX, Section 3(4).

Most Frequently Asked Questions/Assertions by County & Local Governments

The Compact may not be used as a vehicle to take irrigation project water rights or individual irrigators' water rights and transfer them to the Tribes.

Response: The assertion that the quantity of water allocated to the irrigation project is significantly less than historical use is not accurate, and the Compact gives irrigators water deliveries based on historic on-farm deliveries. Under the Compact, irrigation water will be provided to irrigators pursuant to a system of River Diversion Allowances that take into account transmission losses and inefficiencies between the river diversion point and the farm turnout. In response to concerns expressed in 2013 about the accuracy of the model used to set the River Diversion Allowances, the Compact now contains provisions for an evaluation process to adjust the River Diversion Allowances to assure irrigators get the water they have historically received.

The unitary management (the Board) set up by the Law of Administration improperly removes involvement of the state water court in administration of water rights on the reservation, treats Montana citizens within the FIP differently than citizens elsewhere, and disproportionately favors tribal representatives as to review, adjudication and control of water rights on the reservation and directs appeals from Management Board decisions to an undefined court of competent jurisdiction.

Response: The Tribes have reserved water rights and treaty rights under both federal and state law. Those rights affect water rights arising under State law. In light of that, the question of who administers the water rights within the Reservation was one of the questions that had to be dealt with in the Compact. Montana's Compacts with some other Tribes have set up dual administration, with the Tribes administering tribal rights and the State administering state-based rights. Even with dual administration, the State wouldn't fully control administration of water rights within the Reservation.

In this Compact, the negotiated resolution sets up a unitary administration under a five-member Board with two members selected by the Tribal Council, two by the Governor, and the fifth by the four other appointees, or, in case of a deadlock, by the Chief Judge of the U.S. District Court for the District of Montana, a balanced and practical approach that does not disproportionately favor any interest. In setting up the unitary management system, the Commission ensured that the rules the unitary administrator (the Water Management Board set up by Article IV.I.) would have to apply would be both explicitly spelled out pursuant to the Compact, to avoid disparate treatment of any water users, and consistent with State water law except where specific departures from current State law were appropriate.

The Compact does define Court of Competent Jurisdiction, and in such a way that in event of disagreements by the litigants, the Court will end up being the United States District Court rather than a State Court or Tribal Court.

The alternative to the Compact solution of unitary management would be litigation in which a court would try to find a solution, but even the court would be constrained to recognize trial rights under applicable law, meaning the solution would not be for full State control over water rights within the Reservation.

Most Frequently Asked Questions/Assertions by Legislators

The Compact implies that project irrigators get less water than they have been getting and that it is reduced to 1.4 acre feet per year.

Response: The Compact does not say that project irrigators get less water than they have been getting, it gives them water based on historic on-farm deliveries. The 1.4 acre feet per acre provision has been removed from the Compact, one of the changes negotiated from the previous version. That provision has been replaced with provisions that irrigation water will be provided to irrigators pursuant to a system of River Diversion Allowances that take into account transmission losses and inefficiencies between the river diversion point and the farm turnout. In response to concerns expressed in 2013 about the accuracy of the model used to set the River Diversion Allowances, the Compact now contains provisions for a process to adjust the River Diversion Allowances to assure irrigators get the water they have historically received.

With possible improvements to the irrigation ditches the Tribes get all the water savings.

Response: Under Article IV(C)(2) of the Compact, the water savings from improvements to the ditches (and other project facilities), referred to as Reallocated Water, is divided as equally as practicable between Instream Flow Rights and the Irrigation Project Water Right once the Tribes' instream flow rights are satisfied. This tiered system, which shares water savings once Target Instream Flows are achieved, takes into account that the Tribes agreed to defer the full implementation of their Instream Flow Rights in order to protect the ability of the project irrigators to receive historic farm deliveries, even though the 9th Circuit Court of Appeals rule in 1987 that the Tribes' instream flow rights are senior to the water rights associated with the Irrigation Project. The way it works is during the period in which operation and infrastructure improvements are being carried out to free up additional water to allow for both the Tribes' and project irrigators' water rights to be satisfied, the Tribes are agreeing to accept lower instream flows to ensure that project irrigator use is not displaced. So the first batch of water freed up by these improvements goes to the Tribes to allow them to achieve their full instream flow rights without impact to project irrigators, but once those rights are satisfied, any additional water savings are split equally.

Improvements to the irrigation ditches may also harm the water table and reduce capacity of nearby water wells. Will these well owners be protected?

Response: Generally, under either State water law or the Compact, if the source of supply of a well is leakage from irrigation ditches, actions by the ditch owner to reduce leakage do not subject the ditch owner to liability. However, under the Adaptive Management provisions of the Compact, the Compact Implementation Technical Team can use excess interest payments from the pumping fund to mitigate ditch improvements which reduce well yields.

Why are exempt wells being reduced from 35 gpm/10 acre feet to 35 gpm/2.4 acre feet?

Response: The 2.4 acre feet per year well limit was calculated, based on actual average use of exempt wells statewide, to be sufficient to provide ample water for a household including irrigation of .7 acres of land, and was put in place to avoid misuse of the exempt well category for non-domestic uses. This provision is the result of negotiations. At present there is no legal mechanism to recognize *any* new wells (whether above or below the 35 gpm/10 acre feet exemptions in State law) on the Reservation. In negotiating to obtain legal protection for those wells that have been drilled since 1996, the State had to come to an agreement with the Tribes over the size of the exemption going forward, and the 35 gpm/2.4 acre feet was the end result, representing a volume sufficient for domestic, household and residential irrigation purposes (.7 acres is the amount of defensible space recommended for buildings in the wildland-urban interface for fire prevention purposes). Without a Compact, any well drilled on the Reservation since August 22, 1996, does not have a legal water right under State law.

Why are the Tribes getting Control of all the water west of the continental divide?

Response: They aren't, in fact the Compact doesn't even recognize a Tribal right to control all the water on the Reservation or even the Tribal exclusive control over the administration of their own water rights. There is a recognition of some limited off-reservation rights owned by the Tribes, but the nature of those rights combined with the protections built into the Compact and the shared management through the Water Management Board, means the Tribes will have less control over water in western Montana under the Compact than they could have with judicial recognition and enforcement of their claims.

Why does the State have to pay \$55 million when it is a federal irrigation project?

Response: The State is agreeing in the Compact to pay a total of \$55 million – the majority of which (\$30 million) is to assist with pumping costs for project irrigators. The remaining \$15 million will be allocated as follows: \$4 million for water measurement; \$4 million for on-farm efficiency improvements on lands served by the project; \$4 million for on-farm stock water systems; and, \$13 million to the Tribes for aquatic and terrestrial habitat enhancement. The State is agreeing to make this contribution as part of the consideration for the various concessions the Tribes are making in the Compact. The State has made significant contributions to other Indian water rights settlements (such as the Blackfeet Tribe and Crow Tribe) as well. The State's contribution represents the value to the State of having a final determination of the Tribes' water rights and protection for existing State water uses.

The State is not the only one that will be making a monetary contribution towards settlement of the Tribes' water rights. The U.S. Government will also be required to contribute to the settlement of the Tribes water rights. Most estimate the federal contribution will exceed Congress' appropriation of \$460 million in 2010 for settlement of the Crow Tribe's water rights.

Why the Six Legislative Reasons to Reject the CSKT Water Compact are Incorrect.

The Compact gives all surface and ground water within the borders of the reservation to the CSKT Tribal government, including water rights belonging to both non-Indian and Indian private landowners. No Tribe in Montana or the United States has been given all the water on a reservation.

Response: The Compact does not give all surface and ground water within the Reservation to the Tribes. Instead, as with all other Indian compacts in Montana, the CSKT Compact quantifies the Tribes' water rights. The CSKT Compact also provides for a system of shared administration for the use of water by Indian and non-Indian land owners within the Reservation. It does not transfer anyone's private water rights to the Tribes. Specifically, the claim of FIIP irrigators to ownership of the FIIP water right is unaltered by the Compact. It will move forward in the statewide water adjudication process for final resolution by the state water court.

The CSKT Compact has never identified the quantity of water needed by the CSKT to fulfill the purposes of the Flathead Indian Reservation. How much do they need, what are the anticipated needs, looking down the road, what is the volume of water needed for future development of the Tribe on the Reservation?

Response: The Compact provides specific quantification of the Tribes' water rights, both on and off the reservation. In fact, through the abstracts appended to the Compact, the CSKT Compact quantifies the Tribes' rights with more specificity than any prior Indian water rights Compact in Montana. By agreeing to the Compact, the Tribes have agreed that the above specific quantification fulfills their present and future water needs. In exchange, they have agreed to relinquish their right to make any other claims to water within the State and to dismiss any pending claims on final approval of the Compact by the water court. The quantification is accomplished as follows:

- i. The Tribes' consumptive use water right from Flathead system water is quantified in Article III.C.1.c., appendix 9. The Tribes have a diversion right in the amount of 229,383 acre-feet per year from Flathead Lake, the Flathead River, and the South Fork of the Flathead River. Water that may actually be depleted is limited to 128,158 acre-feet per year. Use of this water right must comply with various Endangered Species Act requirements, requirements for federal dams and reservoirs, and with filling criteria for Flathead Lake.
- ii. The water right for the Flathead Indian Irrigation Project is quantified at Art. III.C.1.a., and appendices 3.2 through 3.7. The quantified water diverted into the Project is specified for each administrative area within the Irrigation Project, and varies depending on whether the water year is a wet, normal or dry year. These quantifications are termed River Diversion Allowances, or RDAs. The total RDAs for wet, normal, and dry years respectively are 302,250 acre-feet, 278,000 acre-feet, and 256,900 acre-feet. It is important to note that these numbers do not include pumped water available through the Flathead pumping station RDA, which is set at 65,000 acre-feet. This additional water is capable of being pumped directly or transported between administrative areas within the Mission and Jocko.

- iii. The on-reservation instream river flow water right is quantified at Art. III.C.1.d., and appendices 10 through 14, and is measured in cubic feet per second at specific locations during specific times of the year. On-reservation instream flows were quantified, conditioned and/or located specifically to protect existing uses. For example, the natural instream flows have enforcement points located upstream of consumptive diversions, meaning they cannot be used to call other uses.
- iv. The water right for "Other Instream Flows," is quantified at Art. III.C.1.d., appendix 12. These flow rates must accommodate existing uses. The "other" instream flows will not have an enforceable level set until after the adjudication is complete (although they are currently quantified), and that process for setting the enforceable level is 1) public and 2) requires it to be set to allow existing uses to continue. *See Unitary Management Ord. § 2-1-115.*
- v. Other non-consumptive water uses within the reservation are quantified at Art. III.C.e – I, and accompanying appendices.
- vi. The water right for off-reservation instream flows is quantified at Art. III.D and accompanying appendices.

The "Abstracts of Water Right" are the defining and controlling documents for implementing the compact (Article III(B), page 14). There are 1,000-plus pages to read in order to know what is in the Compact and to find out how much water has been awarded to the Tribes.

Response: Abstracts are important, however, they are voluminous. Rather than reading the abstracts as a single comprehensive set of documents, they were intended to provide reference information linked to the water right descriptions in the Compact. The quantifications for the most substantial rights are either set forth in the Compact directly or in the non-abstract appendices (for the Flathead System Compact Water and the FIIP Water Use Right.)

The Compact awards to the CSKT alone the equivalent of 40 feet of water on every acre of land within the 1.2 million acre reservation. This is more water awarded to a single tribe than all the water awarded to every Tribe in Montana and every Tribe in the United States combined.

Response: At the outset it is important to note that this statement does not include any information as to the methodology or source for its calculation as to the amount of water being awarded to the Tribes in the Compact, thus it is impossible to assess for accuracy. That being said, this assertion is simply incorrect. The actual quantification of the Tribes' water right as set forth in the Compact does not support the amount of water that this statement claims is being awarded to the Tribes. See previous response summarizing the specific quantification amount of the Tribes' water rights in the Compact. In order to get anywhere close to the amount of water contemplated in this statement one would likely have to conflate the Tribes' consumptive and non-consumptive water rights and add the non-consumptive rights in a way that results in a double-counting of water.

This Compact would create the first-time ever off-reservation water right in Montana, taking the state water rights out of the hands of Montana and giving the control of state water over to the federal government.

Response: It is correct that the proposed water compact with CSKT is the only compact to include off-reservation water rights derived from treaty fishing rights. The reason for the inclusion of this type of off-reservation right is very straight forward – CSKT is the only Tribe in Montana to have entered into a "Stevens Treaty." Legal precedent has established that (1) Stevens Treaty Tribes, including the Hellgate Treaty of 1855, have off-reservation fishing rights; (2) these rights are substantive and continue to exist; (3) beneficial uses in Montana include instream flows for fisheries; and (4) a tribal reserved right for fishing includes the right to "prevent other appropriators from depleting the stream waters below a protected level in any area where the non-consumptive right applies." *State ex. rel. Greely v. Confederated Salish & Kootenai Tribes* (1985), 219 Mont. 76, 93. While it is true that a court has not yet adjudicated the precise issue of CSKT's off-reservation water rights as derived from the Hellgate Treaty, based on the language of existing legal precedent it is very likely that the Tribes' claims to off-reservation instream flow rights will be upheld by both federal and state courts. It is the very likelihood of such an outcome that necessitates the passage of a water compact addressing off-reservation rights.

The inclusion of off-reservation water rights in the Compact, however, does not result in the federal government having control over State water rights. Instead, the State, through negotiation, was able to limit the Tribes' ability to exercise the off-reservation water rights so as to preserve and protect existing water uses. Mere ownership of a water right off the reservation in no way conveys regulatory control to either the Tribes or the federal government. On the contrary, the state has direct jurisdiction over such rights, as it always has.

The Compact will remove 28,000 Montana citizens' water rights out from underneath the protection of the Constitution and laws of the State, placing them under the jurisdiction of the CSKT. This has never been done before in the United States.

Response: The Compact does not remove Montana citizens from the laws of the State. Instead, the Compact provides for a new ordinance that will apply equally to both Indian and non-Indian water users on the Reservation, and that will be adopted in functionally identical form as both State law and Tribal law. In this Compact, the negotiated resolution sets up a unitary administration under a five-member Board with two members selected by the Tribal Council, two by the Governor, and the fifth by the four other appointees, or, in case of a deadlock, by the Chief Judge of the U.S. District Court for the District of Montana, a balanced and practical approach that does not disproportionately favor any interest. The board does not place water users "under the jurisdiction of the CSKT." Rather, it is a joint state-tribal board with equal representation, implementing an ordinance that will be part of State law. The ordinance is consistent with current State water law except where specific departures from current State law were appropriate. As the ordinance will need to be approved by the Montana legislature to become effective, it is entirely consistent with Article IX(3) of the Montana Constitution.

Most Frequently Asked Questions/Assertions by Irrigators

The irrigation water rights belong to the irrigators or the irrigation districts, not to the Tribes.

Response: Both the BIA and the Flathead Joint Board of Control (FJBC) filed claims in the Montana Water Court for the water historically used by FIIP irrigators. Applicable law does not clearly support the claim that these rights belong to the irrigators or to the irrigation districts, nor does it support a claim by the FJBC or fee land irrigators to an 1855 priority date, which is the date the Project right has under the Compact. This priority date is important because it means the Project won't be required to change from its historic practice of delivering water to lands based on quota rather than priority date. In the Compact, the State has made the decision to recognize these rights as part of the Tribal Water Rights in exchange for the Tribes' agreement to assure that the irrigators remain entitled to the right to use of water they have historically put to beneficial use. In addition, unlike the 2013 draft Water Use Agreement among the Tribes, the FJBC and the United States, the Compact does not call for or require the withdrawal of claims filed by the FJBC for the Project. Those claims remain to be resolved in the Adjudication by the State Water Court.

The compact improperly converts the irrigators' property right in water use to a contract right.

Response: The status of the irrigators' rights to Project water is not at all settled under the law. While reasonable minds may differ over how a court might resolve this question (possibilities include personal water rights; delivery rights derived from the Project right; delivery rights derived from the federal rules and regulations governing the Project; contract rights, no legal entitlement to water at all), the Compact provides certainty by quantifying the Project right as part of the Tribal Water Right with an 1855 priority date while ensuring that irrigators' ability to continue to use their water is protected, and that their right to continue to use water is transferrable with the land.

The Compact transforms federal reserved water rights under the Winters Doctrine into Indian reserved water rights, greatly expanding the scope of the permissible claims Indian Tribes can make under the Winters Doctrine.

Response: The Compact Commission made the determination, reflected in the Compact, that the tribes were entitled to at least the water rights allocated to the Tribes in the Compact. This determination was based on the fact that the controlling case law, including the controlling Montana Supreme Court case, *State ex rel. Greely v. Confederated Salish & Kootenai Tribes*, 219 Mont. 76, 99 (1985), does not support the sort of bright-line distinction between Winters Doctrine rights and Indian reserved water rights asserted in the question. There are no rights recognized in the Compact that fall outside the rights recognized by this case law, and the fact the Compact references language from the Treaty in the Recitals doesn't change the derivation or the legal significance of those rights.

The Compact reduces the water historically available to irrigators will get from 4.7 acre feet per acre to 1.4 acre feet per acre.

Response: The assertion that irrigators historically received 4.7 acre feet per acre is not accurate, and the Compact does not limit irrigators' rights to 1.4 acre feet per acre. That provision was in the draft Water Use Agreement among the Flathead Joint Board of Control (FJBC), the Tribes and the United States that was intended to be an Appendix to the 2013 version of the Compact. The current Compact does not set a fixed quantity by farm turnout but instead uses River Diversion Allowances to satisfy the irrigation project water right and Historic Farm Deliveries that take into account transmission losses and inefficiencies between the river diversion point and the farm turnout to assure irrigators get the water they have historically needed to grow their crops. The Compact leaves distribution of the water up to the Project Operator and the project's operations plan, as it has always been. The relevant provisions in the Compact are found at Article IV.D.

The Compact, through the RDA, further diminishes the 1.4 acre feet per acre because if 1.4 acre feet is made available from the river diversion, some of that is lost in transmission before it gets to the farm turnout.

Response: The Compact does not limit irrigators' quantity rights to 1.4 acre feet per acre per year per irrigable acre, and the current Compact language instead says that irrigation water will be provided to irrigators pursuant to a system of River Diversion Allowances, consistent with Historic Farm Deliveries, that take into account transmission losses and inefficiencies between the river diversion point and the farm turnout to assure irrigators get the water they historically have needed to grow their crops. The relevant provisions in the Compact are found at Article IV.D.

The instream flow provisions improperly give the Tribes rights to control water resources on and off the Reservation, taking water from irrigators (by cutting the water available to the irrigator's right from 4.7 acre feet to 1.4 acre feet).

Response: In 1987, the Ninth Circuit Court of Appeals ruled that the Tribes' instream flow rights on the Flathead Indian Reservation were senior to any water right associated with the Project. The Compact seeks to lessen the potential severity of this ruling on Project water users by including provisions to ensure irrigators will get the water they historically received even while protecting instream flow rights. The Compact provisions addressing this subject are found in Article s IV.C through F and Appendix 3.5. The Compact does not limit irrigators' quantity rights to 1.4 acre feet per acre per year per irrigable acre, and the current Compact language instead says that irrigation water will be provided to irrigators pursuant to a system of River Diversion Allowances, consistent with Historic Farm Deliveries, that take into account transmission losses and inefficiencies between the river diversion point and the farm turnout to assure irrigators get the water they historically have needed to grow their crops. The relevant provisions in the Compact are found at Article IV.D.

The instream flow provisions improperly give the Tribes rights to control water resources on and off the Reservation:

- by recognizing more than the minimum instream flows which is what Stevens Treaty court decisions have recognized;
- by recognizing the Tribes' rights to the water necessary to revitalize the pre-Treaty natural environment of the reservation, which fits neither within the Winters Doctrine nor the Treaty rights related to fishing;
- by elevating the Tribes' treaty rights related to right to fish in common with other citizens "of the Territory" fishing above the rights of non-Indians (which improperly gives Tribes control of nearly all the waters west of the Continental Divide).

Response: The Compact Commission determined that the Tribes were entitled under the *Winters* Doctrine, the Hellgate Treaty, and pertinent judicial decisions, to at least the instream flow rights which are reflected in the Compact. In exchange for recognition of these rights in the Compact, the Tribes agreed to extensive provisions that limit or wholly eliminate the Tribes' ability to exercise these rights to the detriment of other water users. For example, in exchange for the recognition of these rights, the Tribes have agreed to waive any ability to enforce them against any non-irrigation water user and against small irrigators. In addition, even where irrigators could theoretically be called by the Tribes to satisfy their instream flow rights, the quantification of the rights and the baseline hydrology of the streams in question are such that the risk of a Tribal call is minimized. The Compact Commission made the determination that the balance of rights and protections achieved by the Compact was preferable to facing the risks of litigation, which could result in the outcome predicted by these questions (smaller or no instream flow rights, especially off the Reservation) but that could also lead to the recognition of senior tribal instream flow rights free to be exercised with no consideration or protection for junior water users. The relevant Compact provisions are at Article III.G.

The Compact may not be used as a vehicle to take irrigation project water rights or individual irrigators' water rights and transfer them to the Tribes.

Response: Both the BIA and the Flathead Joint Board of Control (FJBC) filed claims in the Montana Water Court for the water historically used by FIIP irrigators. Applicable law does not clearly support the claim that these rights belong to the irrigators or to the irrigation districts, nor does it support a claim by the FJBC or fee land irrigators to an 1855 priority date, which is the date the Project right has under the Compact and which eliminates the prospect of the Project needing to depart from historic practice by beginning to deliver water to lands based on priority date rather than quota. In the Compact, the State has made the decision to recognize these rights as part of the Tribal Water Right in exchange for the Tribes' agreement to assure that the irrigators remain entitled to the right to use of water they have historically put to beneficial use. In addition, unlike the 2013 draft Water Use Agreement among the Tribes, the Flathead Joint Board of Control and the United States, the Compact does not call for or require the withdrawal of the claims filed by the FJBC for the Project. Those claims remain to be resolved in the Adjudication.



PONDEROSA ADVISORS LLC

energy agriculture water

February 2, 2015

Senator Chas Vincent
Montana Senate
PO Box 200500
Helena, MT 59620-0500

Senator Vincent,

In response to recent questions regarding interpretation of water right abstracts, I am providing the attached article. This article is based upon my past experience as a Senior Water Master with the Montana Water Court, although it is not intended to speak for the Court or represent its opinion. The article references the Montana Claims Examination Manual, and includes discussion of the elements of water rights as shown on water right abstracts, with examples of each field.

I am available to answer any questions or to provide additional information.

Sincerely,

Colleen Coyle
Director, Water Services
ccoyle@ponderosa-advisors.com

Process and Implications of Adjudication through Litigation of CSKT Reserved Water Right Claims vs. Legislative Approval of a Compact

Colleen Coyle¹

On December 10, 2014, the Confederated Salish and Kootenai Tribes (CSKT), the Montana Reserved Water Rights Compact Commission (RWRCC), and the United States reached agreement on a revised compact for CSKT reserved water rights. With approval by the RWRCC, the revised compact will be introduced at the 2015 Montana Legislature. This is the second time that the Montana Legislature will be considering a CSKT compact, having rejected the previous version during the 2013 session. This compact process has attracted national attention, including a New York Times article with this description of the 2013 version:

The proposed compact is 1,400 pages long, a decade in the making and bewilderingly complex. Essentially, it helps to lay out the water rights of the tribe[s] and water users like farmers and ranchers. It provides \$55 million in state money to upgrade the reservation's water systems. And it settles questions about water claims that go back to 1855, when the government guaranteed the tribes' wide-reaching fishing rights across much of western Montana. Healy, Water Rights Tear at Indian Reservation, New York Times, April 22, 2013.

At least four lawsuits in different state and federal jurisdictions have already been filed over claims to water related to the CSKT reservation. Opinions differ on how best to quantify the CSKT reserved water rights. Some who oppose the revised Compact have indicated support for adjudication through litigation of the CSKT

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The opinions expressed in this article are solely the author's, and are not intended to represent those of the Montana Water Court or Ponderosa Advisors LLC.

water rights. This article summarizes the adjudication process as it generally applies to CSKT and state-based water rights.

The United States began litigating Indian water rights for Montana tribes when it filed two lawsuits in 1975 on behalf of the Northern Cheyenne and Crow Tribes and two lawsuits in 1979 on behalf of the Fort Peck tribes in federal court. See Folk-Williams, The Use of Negotiated Agreements to Resolve Water Disputes Involving Indian Rights, 28 Nat. Res. J. 63, 82 (1988). In 1979, Congressional hearings recorded widespread concern by non-Indians about the consequences of this litigation. *Id.*, citing Senate Select Committee on Indian Affairs, Indian Water Rights in Montana (1979). In 1979, largely because of the federal lawsuits, the Montana Legislature enacted the statewide water rights adjudication effort.

In Montana's adjudication process, statements of claim for all state-based water rights (rights other than federal and Indian reserved water rights) were required to be filed by April 30, 1982. Late claims were allowed until 1996. Late claims are subordinate to reserved water rights and sometimes to timely filed claims. Section 85-2-221, MCA. Indian reserved water rights did not need to be filed in 1982 if the tribes agreed to negotiate the rights with the Montana Reserved Water Rights Compact Commission. Compacts reached through the Compact Commission are required to be approved by the Montana Water Court. Section 85-2-217, MCA.

When the Montana Water Court approved the legislative approved Compacts of the Fort Peck and Rocky Boy Reservations in 2001 and 2002, Judge Loble concluded:

All negotiations and adjudications quantifying Indian reserved water rights involve extensive and complex disputed issues of fact and law. They inherently involve competing interests in a scarce resource, the allocation of which must be determined by ambiguous, perhaps anachronistic law, evolving governmental policies, and increasingly sophisticated science—all amidst rapidly changing circumstances, within the confines of a complex adjudication process. That is precisely the incentive for negotiation and settlement of complex water right adjudications. Memorandum Opinion, Case WC 92-1 (2001).

If the CSKT Compact is not approved by the Legislature, then all CSKT Indian reserved water right claims must be filed with the Montana Department of Natural Resources and Conservation (DNRC) by July 1, 2015. These new filings must be given treatment similar to that given all other filings. Section 85-2-702(3), MCA.

Differences between state-based and federal rights for adjudication, and some rules that would apply in adjudication

Indian reserved water rights were first recognized by the United States Supreme Court in a case regarding the Fort Belknap Indian Reservation in northern Montana, Winters v. United States, 207 U.S. 564 (1908). Recognizing that the "lands were arid, and, without irrigation, were practically valueless," the Court concluded that Congress, by creating the Indian reservation, impliedly reserved not only land, but all of the waters of the Milk River necessary for the purposes for which the reservation was created. 207 U.S. 564, 567 (1908).

In Cappaert v. United States, the United States Supreme Court summarized the federal reserved water rights doctrine as follows:

When the Federal Government withdraws its land from the public domain and reserves it for a federal purpose, the Government, by implication, reserves appurtenant water then unappropriated to the extent needed to accomplish the purpose of the reservation. In so doing the United States acquires a reserved right in unappropriated water which vests on the date of the reservation and is superior to the rights of future appropriators.

Cappaert v. United States, 426 U.S. 128 (1976).

In 1985, the Montana Supreme Court directed the Water Court to adjudicate reserved water rights in accordance with State ex rel. Greely v. The Confederated Salish and Kootenai Tribes of the Flathead Reservation, 214 Mont. 143, 691 P.2d 833 (1985). In that opinion, the Montana Supreme Court described the holdings of several federal court decisions and provided the following summary:

- State appropriative water rights and Indian reserved water rights differ in origin and definition.
- Appropriative rights are based on actual use. Appropriation for beneficial use is governed by state law.
- Reserved water rights are established by reference to the purposes of the reservation rather than to actual, present use of the water. The basis for an Indian reserved water right is the treaty, federal statute or executive order setting aside the reservation. Treaty interpretation and statutory construction are governed by federal Indian law.

- The date of priority of an Indian reserved water right depends upon the nature and purpose of the right.
- Reserved water rights are difficult to quantify. Because the purposes of each reservation differ, federal courts have devised several general quantification standards. These standards differ depending upon the purpose for which the water was reserved.
- For agricultural purposes, the reserved right is a right to sufficient water to "irrigate all the practicably irrigable acreage on the reservation."
- The right to water reserved to preserve tribal hunting and fishing rights is unusual in that it is non-consumptive. A reserved right for hunting and fishing purposes "consists of the right to prevent other appropriators from depleting the stream waters below a protected level in any area where the non-consumptive right applies." Greely, 214 Mont. 143, 691 P.2d 833.

Many aspects of these rules and decisions are ambiguous and thus it is difficult to predict the outcome of their application to CSKT water rights in litigation. For example, the Winters Court held that reserved water on the Fort Belknap Reservation could be beneficially used for "acts of civilization" as well as for agricultural purposes. Winters v. United States, 207 U.S. 564 (1908). "Acts of civilization" could be found to include a variety of uses, including consumptive uses for industrial purposes. Also, reserved rights may reflect future need as well as present use. Most reservations have used only a fraction of their reserved water, but the "practically irrigable acreage" standard applies to future irrigation of reservation land, not present irrigation practices and current consumptive uses. Winters rights are not subject to abandonment. See Arizona v. California, 373 U.S. 573, 577 (1963).

The Montana Water Court has recognized that "[w]hether by adjudication or by negotiation, determining the scope and extent of Indian reserved water rights has proved difficult at best." Memorandum Opinion, Case WC 92-1 (2001). This case discusses several of the Supreme Court decisions, stating that:

As articulated by the United States Supreme Court, the Reserved Water Rights Doctrine is vague and open-ended and has been construed both broadly and narrowly by subsequent federal and state courts. *After nearly one hundred years of legislation, litigation, and policy making, there are still*

no bright lines clearly and consistently delineating the Doctrine. Most of the legal issues inherent in the Doctrine remain unsettled and hotly debated and are now complicated by decades of distrust and competing policies.

Memorandum Opinion, Case WC 92-1 (2001) (Italics mine).

All statements of claim are prima facie proof of their content in Montana. This legal standard did not apply to Indian reserved water rights litigation in Wyoming.

Claims for all existing (pre-July 1, 1973) water rights were required to be filed by April 30, 1982, and late claims were accepted for filing until 1996. Section 85-2-221, MCA. These deadlines were suspended only for federal and Indian reserved water rights during the compact negotiation process. Section 85-2-217, MCA. Some rights, such as instream stock and domestic rights, were exempt from the claim filing process. Section 85-2-222, MCA. Claims for existing rights can no longer be filed, because the deadlines have passed for all claims other than any remaining federal and Indian reserved rights that are not resolved through compacts, and processes for exempt rights pursuant to Section 85-2-222, MCA.

All statements of claim, for state-based claims and federal and Indian reserved rights, are prima facie proof of their content. Section 85-2-227(1), MCA. Objectors have the burden of producing evidence that contradicts and overcomes elements of the prima facie claim. Memorandum Opinion, Water Court Case 40G-2, p. 13 (March 11, 1997). This is the burden of proof for every assertion that a claim is incorrect, including for claimants objecting to their own claims. Rule 19, Water Right Adjudication Rules (W.R.Adj.R.)

This prima facie standard for water rights is not a feature of law in all Western states and was not the legal standard in Montana prior to 1979. Prior to 1979, any party asserting a water right in Montana had the burden of proving every element of their water right claim. See Case 40G-2. Recognizing the evidentiary difficulty in proving up elements of historical water rights when all witnesses to the original appropriations have long since died, and the need to speed up the process, the 1979 Legislature enacted the prima facie proof statute. Section 85-2-227, MCA.

In Montana, this prima facie standard would apply to CSKT claims just like any other claims in the adjudication process, so any objectors would have the burden to attempt to contradict or overcome elements of CSKT claims. This makes comparisons or predictions based on Indian reserved water rights litigation in other states very difficult. For example, in Wyoming, the Wind River Reservation Tribes and the United States were required to substantiate their claims to reserved water

rights, and the State of Wyoming served as an opposing party in the litigation. See Wyoming v. United States, 492 U.S. 406 (1989), reh'g denied, 492 U.S. 938 (1989) [Big Horn I].

This structure is very different in Montana. In Montana, unless DNRC places issue remarks on claims (see below discussion on issue remarks), the Court reviews claims pursuant to Rule 8, W.R.Adj.R, or objectors actively oppose claims through the objection process, the prima facie standard can result in claims proceeding through adjudication unchallenged. The final decree can then reflect the claims as they originally appeared on the statements of claim. Objectors must actively participate in adjudication proceedings in order to maintain an objection. If an objector fails to appear at a scheduled conference or hearing, or fails to comply with an order issued by the Water Court, the Water Court may issue orders of sanction including dismissal of the objection. Rule 22, W.R.Adj.R.

Adjudication Process

The adjudication process for any basin decree begins with DNRC examination of all claims filed in the basin, using a detailed claims examination manual and a set of claims examination rules adopted by the Montana Supreme Court. This examination reviews claims for factual discrepancies and issues, such as whether acreage claimed appears to be irrigated in historical aerial photos, whether claimed acreage can be reached by claimed ditches or diversions, questionable flow rates and volumes, legal description errors, duplicate claims, questionable priority dates, and a wide variety of other discrepancies. DNRC contacts claimants to attempt to resolve issues that it identifies, and issues that remain unresolved are written on the claim abstracts as issue remarks. Many of the objections filed in recently issued basins are based on the DNRC issue remarks. The Water Court resolves issue remarks pursuant to Section 85-2-248, MCA, so claims examination is a significant component of the current adjudication process.

The claims examination rules do not provide procedures to examine federal and Indian reserved water right claims, and it is not clear whether these claims would be examined by DNRC. CSKT could object to examination of its claims, so litigation on this issue is likely. If examination is ordered, the Montana Supreme Court would most likely be asked to issue new claims examination rules to govern that examination process. If the claims are not examined, objectors will not be able to rely upon DNRC issue remarks to assist in identifying factual discrepancies. If claims examination is ordered, it is not possible to estimate how long any DNRC examination of CSKT claims would take because all claims are not yet filed, and

any litigation over this issue would delay examination. The claims examination process can generally take a year or longer in a basin, but with litigation and possible new rules for examination, it could take DNRC several years to complete an examination process for CSKT water right claims.

After examination, the Water Court issues the basin decree. Unlike traditional District Court cases where a decree is issued at the end of litigation, a Water Court decree is issued at the beginning of the litigation process. The Water Court decree is basically a compilation of water right abstracts for claims filed in a basin. Parties receive notice of the decree, have an opportunity to object to claims in the decree, and the decree is then modified after hearings, objections, and settlements. The Water Court provides notice that a decree has been issued and that it is available for review, and the time period for filing objections begins. The objection period lasts at least 6 months and is commonly extended. Deadlines for counter objections and notice of intent to appear are set, and once all deadlines have passed the Court will begin to consolidate cases. This is generally about 2 years after issuance of the decree.

The Water Judges refer many of the cases to Water Masters, who manage the cases through resolution by settlement or hearing. Masters set orders for conferences, manage settlement and prehearing deadlines, order field investigations, manage discovery processes, accept or reject settlement agreements, and issue decisions on motions. If parties are not able to reach settlement, Water Masters conduct hearings and issue decisions in the form of Master's Reports with findings of fact, conclusions of law and recommendations. Parties can object to Master's Reports, and Master's Reports can be accepted, rejected, or modified by the Water Judges. Rule 23, W.R.Adj.R. Water Judges will often hold additional proceedings, including hearings, at the request of a party in review of an objection to a Master's Report.

Currently, the average basin takes at least 5 years to be 90% complete. The remaining 10% are generally the most contentious cases in the basin, which could take several more years to complete. See Montana Water Court website, http://courts.mt.gov/water/water_court_statistics.mcp.

The CSKT claims, if they are required to be filed, will present substantially different procedural and legal issues than any the Water Court has previously addressed due to the application of federal reserved water rights doctrine.

Adjudication of the CSKT reserved water rights through the claims filing, objection, and litigation process will involve not only the basins where the reservation is

located, but a likely reopening of other basins to address claims for aboriginal rights which CSKT has indicated it will file in several off-reservation basins. CSKT has asserted that its aboriginal range may include most of Montana west of Billings and Lewistown. If CSKT claims are filed in off-reservation basins, then it might also result in litigation and reopening of litigation for state-based rights in those same off-reservation basins.

Consequently, the basins where CSKT claims are filed, including Basin 76L (Flathead River below Flathead Lake) and Basin 76LJ (Flathead River to and including Flathead Lake) will take longer to complete than the average for basins. The basins where aboriginal claims are filed, off the reservation, are also quite likely to take longer than average. No one can estimate the length of time it will take to adjudicate these claims, and appeals to state and federal courts are far more likely than with any other litigation the Water Court has addressed, including the potential for appeals to the United States Supreme Court. The United States Supreme Court has reserved the right to review state court adjudications of Indian reserved water rights, which the Montana Supreme Court has directly acknowledged. State ex rel. Greely v. Confed. Salish & Kootenai Tribes, 219 Mont. 76, 95 (1985). In the San Carlos Apache case, the U.S. Supreme Court emphasized:

"[O]ur decision in no way changes the substantive law by which Indians rights in state water adjudications must be judged. State courts, as much as federal courts, have a solemn obligation to follow federal law. Moreover, any state-court decision alleged to abridge Indian water rights protected by federal law can expect to receive, if brought for review before this Court, a particularized and exacting scrutiny commensurate with the powerful federal interest in safeguarding those rights from state encroachment." 463 U.S. at 571, 103 S.Ct. at 3216. (Emphasis mine).

If the CSKT Compact is approved by the Legislature, it will be subject to Congressional, Tribal, and Water Court approval. Preliminary decrees will be issued incorporating the Compact and state based claims. The Compact could be included in a Preliminary Decree with all the state law based claims filed in the Flathead Valley basins. Alternatively, the state based water right claims of the Flathead Valley basins could be issued in a separate Preliminary Decree while the CSKT Compact is reviewed by Congress. If Congress and the President approve the Compact, the Compact would then be filed with the Water Court for approval or rejection. The Water Court reviews Compacts to determine if they are "fundamentally fair, adequate and reasonable", and to determine whether they

conform to applicable law. Case WC 2007-03. The Water Court cannot modify a compact. It can only approve or reject compacts.

Because predicting a final outcome of the claim filing, objection, and litigation process is so difficult, there are significant benefits to negotiating water right settlements. Settlements can address issues such as water administration and funding, but a Water Court decision, issued after the claims are filed and all objections are litigated to finality, would set forth only the findings of fact, conclusions of law, and elements of water rights as dictated by Section 85-2-234, MCA. The Water Court has recognized that a water right decision litigated through the objection process is less flexible than a negotiated compact settlement:

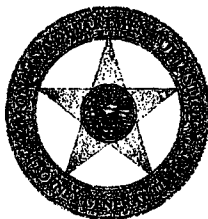
The parties to this Compact, and the negotiators to compacts generally enjoy considerable freedom in reaching the compacted results, and may achieve results through the compact process that are more favorable to their interests than would be achieved through litigation. If other parties claiming reserved water rights proceed to litigation on the merits before the Montana Water Court, the Court will have to draw hard lines and resolve ambiguous legal precedent on many of the issues which are given broad brush in this Compact review. Case WC 92-1.

Conclusion

The Montana Water Court and the adjudication staff at DNRC have outstanding expertise and procedures in place to adjudicate state based rights, and also federal and Indian reserved water rights if compact efforts fail. If CSKT water rights are litigated in Montana's general statewide stream adjudication, the Montana Water Court will be faced with the most complex, most contentious litigation it has encountered to date. The water rights adjudication process in Montana has currently been proceeding for over thirty years, and has cost nearly ninety million dollars in state funding so far, not counting expenses by litigants including federal agencies, local governments, and individual water users. Many commenters before the Montana Water Policy Interim Committee express an interest in seeing an expedited completion of the adjudication process, and benchmarks and funding have been incorporated into the process to speed its conclusion. A recent legislative audit predicted that the adjudication may be completed by 2028, but that prediction assumed Montana would successfully negotiate compacts for federal and Indian reserved water rights. June 2010 Performance Audit Report to the Montana Legislature. If the CSKT water right claims are required to be adjudicated through the objection and litigation process, the only certainty will be that Montana water

rights will remain unsettled for much longer than any previous estimates could predict.

ATTORNEY GENERAL
STATE OF MONTANA



Tim Fox
Attorney General

Department of Justice
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TO: Tim Fox, Attorney General
FROM: Dale Schowengerdt, State Solicitor
RE: Constitutionality of the CSKT Water Compact
DATE: January 30, 2015

I. THE CSKT WATER COMPACT IS NOT A TAKING UNDER THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION.

Brief Answer:

It is very unlikely that a court would consider the Compact to be a taking under the Fifth Amendment because it does not take title from any property owners. The Compact is explicit: "Nothing in this compact shall be construed or interpreted . . . [t]o transfer, convert, or otherwise change the ownership or trust/fee status of land on the Reservation. Specifically, nothing in this Compact changes fee owned land to trust land or trust land to fee land, or in any way alters the ownership status of land within the exterior boundaries of the Flathead Indian Reservation." January 12, 2015 Proposed Compact, Article V(B)(24), p. 58. Moreover, while the Compact does provide for a prioritization and regulated distribution of water on the Reservation, that does not make it a taking under the Fifth Amendment because it does not render non-Tribal water users' rights economically valueless. In fact, in many ways the Compact adds value and stability to existing water use claims by limiting the Tribes' ability to call junior water rights. Arguments that the Compact is a taking appear to be based on either a misunderstanding of what constitutes a taking under the Fifth Amendment or, perhaps more likely, a misunderstanding as to what the Compact actually does.

Analysis:

Some have questioned whether the CSKT Water Compact constitutes a Fifth Amendment "taking" of property of non-Tribal users/owners on the Flathead Irrigation Project. The arguments appear to be that the Compact is a taking because it (1) somehow transfers non-Tribal irrigators' water rights to the Tribes, (2) makes non-Tribal junior users' water rights subordinate to senior Tribal water rights, and (3) submits non-Tribal rights to Tribal regulatory authority.

First, it's important to briefly outline Supreme Court precedent on Fifth Amendment takings. The most obvious takings claim is if the government actually takes title of private property, which is known as a "physical taking." If the government takes an interest in property for some public purpose, it must compensate the former owner. *Tahoe-Sierra Pres. Council v. Tahoe Reg'l Planning Agency*, 535 U.S. 302, 322 (2002). This category of taking only comes into play if the government is actually taking title to the property. *Id.*

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MONTANA DEPARTMENT OF JUSTICE

Legal Services Division ★ Division of Criminal Investigation ★ Highway Patrol Division ★ Forensic Science Division
Gambling Control Division ★ Motor Vehicle Division ★ Information Technology Services Division ★ Central Services Division

Although some opponents have made vague claims that the Compact removes title from non-Tribal water users and gives it to the Tribes, those claims are in error. Indeed, the Compact confirms that nothing in it can be construed to “transfer, convert, or otherwise change the ownership or trust/fee status of land on the Reservation.” January 12, 2015 Proposed Compact, Article V(B)(24), p. 58. The Supreme Court precedent on physical takings is a bright line standard that is easy to apply here. Clearly, the Compact does not result in a transfer of title, and thus there is no physical taking under the Fifth Amendment.

The second type of taking that the Supreme Court has identified is a “regulatory taking.” This is likely what proponents of this argument mean when they claim that the Compact is a taking. The argument is that by subordinating non-Tribal water rights to senior Tribal water rights and by submitting those water rights to Tribal regulatory authority, the government has deprived non-Tribal water users of an interest in their property.

Supreme Court precedent makes regulatory takings claims extraordinarily difficult to maintain. Compensation is required only if a law or regulation “deprives an owner of ‘all economically beneficial uses’ of his land.” *Tahoe-Sierra*, 535 U.S. at 330 (quoting *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003, 1019 (1992)). Regulatory takings are limited to “the extraordinary circumstance when no productive or economically beneficial use of land is permitted.” *Id.* (emphasis in original); see also *Kafka v. Mont. Dep’t of Fish, Wildlife & Parks*, 2008 MT 460, 348 Mont. 80, 201 P.3d 8 (law that substantially decreased profitability of land did not constitute a taking).

There is simply no argument that the Compact deprives non-Tribal property owners of all economically beneficial uses. No state law-based water rights are being eliminated through the Compact.¹ Rather, the Compact quantifies the Tribes’ water rights, whose priority dates are – as a matter of federal law – senior to state law-based water rights on the reservation. This is consistent with Montana’s prior appropriation doctrine. Thus, there is no regulatory taking.

In fact, the opposite is arguably true because the Compact imposes conditions on the Tribes’ senior water rights in favor of junior users. The Compact is a legally binding allocation of water between tribal instream flows and project uses that is designed to keep water available for project irrigators despite the junior priority date of the irrigation project’s water rights in relation to the Tribes’ instream flow rights. See *Joint Bd. of Control v. United States*, 832 F.2d 1127 (9th Cir. 1987) (noting that the Tribe’s “priority date of time immemorial obviously predates all competing rights asserted by the Joint Board for the irrigators” and that absent a binding agreement the Tribe’s aboriginal water rights can “prevent other appropriators from depleting the streams waters below a protected level.”) (quoting *Colville Confederated Tribes v. Walton*, 752 F.2d 397, 405 (9th Cir. 1985)). Moreover, part of the bargain is that the Tribe will limit its rights to make a call on existing irrigation rights on the reservation, and relinquish its right to make a call on irrigation rights off the reservation. Without the Compact, the Tribe would reserve their right to call water claims far and wide. In this way, the Compact adds value to existing non-Tribal water rights by providing stability to those claims.

In any event, it seems implausible that the courts would determine that the Compact constitute a taking under the Fifth Amendment.

¹ Although the State does not believe that the 2013 draft Water Use Agreement among the Tribes, the Flathead Joint Board of Control (“FJBC”) and the United States constituted a taking, the current Compact does not call for or require the withdrawal of the claims filed by the FJBC for the Project. Those claims remain to be resolved in the Adjudication.

II. THE COMPACT DOES NOT VIOLATE EQUAL PROTECTION BY TREATING OFF-RESERVATION WATER USERS DIFFERENTLY THAN ON-RESERVATION WATER USERS.

Brief Answer:

The Compact does not violate Equal Protection by treating non-Tribal water users on the Reservation differently than water users in other parts of the state. Non-Tribal water users on the Reservation are not similarly situated with water users in the rest of the State because of the unique water rights that the Tribes have under federal law. The State is not free to disregard the Tribes' superior water rights on the Reservation, and that naturally has implications for non-Tribal water users living on the Reservation. Thus, the Montana Supreme Court and the United States Supreme Court have recognized that it does not violate equal protection to treat tribal members differently when doing so is "rationally tied to the fulfillment of the unique obligation" to Indians that is created by federal law. *State v. Shook*, 2002 MT 347, 313 Mont. 347, 67 P.3d 863; *Morton v. Manacari*, 417 U.S. 535, 555 (1974). In short, even if the Compact is viewed as treating water users differently, those distinctions are based on federally defined Indian reserved rights that the State is required to recognize and administer.

Analysis:

One argument against the Compact is that it violates the Equal Protection guarantees of the U.S. and Montana constitutions. The argument apparently rests on the premise that the Compact treats non-Tribal water users on the Reservation different from non-Tribal water users in other parts of the State. But even if that is true, it is not enough to prove a violation of equal protection.

Equal protection under both the state and federal constitutions follows a similar analysis. "The basic rule of equal protection is that persons similarly situated with respect to a legitimate governmental purpose of the law must receive like treatment." *Rausch v. State Compen. Ins. Fund*, 2005 MT 140, ¶ 18, 327 Mont. 272, 114 P.3d 192; *Carpinteria Valley Farms, Ltd v. County of Santa Barbara*, 344 F.3d 822 (9th Cir. 2003). Courts recognize that virtually all laws draw distinctions between classes. That is not what Equal Protection prohibits. So long as the distinctions are justified by a sufficient purpose, equal protection is not offended simply because a law makes distinctions. *Henry v. State Compen. Ins. Fund*, 1999 MT 126, ¶ 27, 294 Mont. 449, 982 P.2d 456.

Here, it is doubtful that non-Tribal water users on the Reservation are similarly situated with non-Tribal water users in the rest of the state. Property on the Reservation is subject to special rules derived from the unique federal status of the Tribes. Non-Tribal citizens moving to the Reservation should know that when they live within the boundaries of the Reservation, they might be subject to different rules that may not otherwise apply if they lived off the Reservation, especially on issues surrounding water use.

In fact, the Montana Supreme Court has not only allowed different treatment of non-Tribal members on the Reservation than non-Tribal members in the rest of the state, it has mandated it in certain contexts. In 1996, the Court prohibited the Department of Natural Resources and Conservation ("DNRC") from issuing any new non-Tribal water permits to landowners on the Reservation until the Tribes' water use rights are quantified. *In the Matter of Beneficial Water Use Permit*, 278 Mont. 50, 61, 923 P.2d 1073, 1080 (1996). The Court noted that it "has long recognized a distinction between state appropriative water rights and Indian reserved water rights," and that the "Montana Water Use Act, our prior decision in *Greely*, and the decisions of the federal courts make it clear that an applicant for a permit to use water within the exterior boundaries of the Flathead Reservation must prove that his proposed use does not unreasonably interfere with the Tribes' reserved water rights." *Id.* at 56, 61, citing *State ex. rel.*

Greely v. Confederated Salish & Kootenai Tribes 219 Mont. 76, 712 P.2d 754(1985). In other words, non-Tribal water users on the Reservation are subject to different rules than non-Tribal water users off the Reservation because they are not, as a matter of law, similarly situated.

Moreover, even if similarly situated, differing treatment between those classes does not violate Equal Protection. The Compact's recognition of the Tribe's superior water rights and its establishment of the Water Management Board is based on the Tribes' unique water use rights under federal law. This is nothing new. Indeed, the Montana Supreme Court has recognized "the distinctions between federal reserved water rights, Indian reserved water rights, and state appropriative use rights and the manner in which the Water Use Act permits each different class of water rights to be treated differently." *Greely*, 219 Mont. at 99, 712 P.2d at 768.

In *Greely* the Montana Supreme Court reiterated that Indian reserved water rights are very broad and are much different than typical water rights in several respects. For example, beyond the Tribe's superior priority date, it is also clear that Indian reserved water rights may include *future* uses, not simply beneficial past use. *Greely*, 219 Mont. at 93-94, 712 P.2d at 765; *see also id.* 219 Mont. at 95-98, 712 P.2d at 765-767 (discussing distinctive features of Indian reserved water rights and noting that the purposes of those rights "are given broad interpretation in order to further the federal goal of Indian self-sufficiency").

Because federal law requires those distinctive features of Indian water rights, the State is not free to disregard them. Thus, the Montana Supreme Court and the United States Supreme Court have affirmed that it does not violate equal protection to treat tribal members differently when doing so is "rationally tied to the fulfillment of the unique obligation" to Indians that is created by federal law. *Shook*, ¶¶ 352-53 (holding that hunting classifications based on tribal membership did not violate equal protection); *see also Morton v. Mancari*, 417 U.S. 535, 552 (1974) (holding that employment preferences for Indians did not violate equal protection). Thus, someone living on the Reservation should not be surprised that they may be subject to different rules than non-Indian water users off the Reservation.

In sum, even if the Compact is viewed as treating water users differently, those distinctions are based on federally defined Indian reserved rights that the state recognizes and administers pursuant to federal law. Non-Tribal water users within the boundary of the Reservation will necessarily be subject to different rules than water users in the rest of the state. Those distinctions, even if considered relevant to an equal protection challenge, would satisfy scrutiny under the state and federal constitutions.

III. THE COMPACT DOES NOT VIOLATE ARTICLE IX, SECTION 3 OF THE MONTANA CONSTITUTION.

Brief Answer:

Article IX, section 3 states that all water within the State is owned by the State. The Compact does not give ownership of State water to the Tribes. Rather, the Compact is a negotiated settlement of water *use*. The State is obligated to follow federal law in recognizing the superior on-Reservation water rights of the Tribes. The Compact is designed to balance those interests with non-Tribal water use, and limit the Tribe's ability to call junior water rights.

The Compact, if approved by the Legislature, will also be in conformance with Article IX, section 3's requirement to administer, control, and regulate water rights. Indeed, that is the Compact's very purpose.

Moreover, the Compact requires that all changes in water rights must be entered into the DNRC's "system of centralized records" that the Montana Legislature established pursuant to Article IX, section 3(4).

Analysis:

Under Article IX, section 3, the State owns all the water within the State. The Compact does not (and could not) alter that. Rather, the Compact is a negotiated settlement of water use rights, not water ownership.

Water rights in Montana are based on a system of prior appropriation, which means that water rights have priority dates. Senior water users with an earlier priority date are entitled to use the last drop of their water rights before junior water users are entitled to the first drop of theirs. Under this system, the water user with the most senior priority date may call a junior user, and the junior user may be forced to curtail water use until the senior user's right is satisfied.

Courts have already determined that the Tribes have a priority date of time immemorial for inflow stream rights, and an 1855 priority date for other on-Reservation water rights. *Joint Board of Control of Flathead, Mission and Jocko Irrigation Districts v. U.S.*, 832 F.2d 1127, 1132 (9th Cir. 1987). Further, the Montana Supreme Court described the distinction between State appropriated and Indian reserved water rights in *Greely*:

State appropriative water rights and Indian reserved water rights differ in origin and definition. State-created water rights are defined and governed by state law. (citing Art. IX, section 3). Indian reserved water rights are created or recognized by federal treaty, federal statutes or executive order, and are governed by federal law.

The United States is not the owner of Indian reserved rights. It is a trustee for the benefit of the Indians. . . . Indian reserved water rights are "owned" by the Indians.

Greely, 219 Mont. at 89-90, 712 P.2d at 762. The Court also noted that Indian reserved water rights are broadly construed under federal law. *Id.* The United States Supreme Court has also recognized that "[t]he power of the government to reserve the waters and exempt them from appropriation under state laws is not denied, and could not be." *Winters v. U.S.*, 207 U.S. 564, 600-01 (1908).

The Tribes and the State, however, do have authority to negotiate and agree "upon the extent of the reserved water rights of each tribe. In order to be binding, a negotiated compact between the State and tribe must be ratified by the Montana legislature and the tribe." *Greely*, 219 Mont. at 91, 712 P.2d at 763. That is precisely what the CSKT Compact aims to do. Consistent with Article IX, section 3, the Compact does not cede ownership of State water. Instead, it is designed to provide a negotiated settlement of competing water use claims in a manner that ensures continued use by non-Tribal water users. Without the Compact, those claims will only be settled by litigation.

One other minor point is often raised that the Compact somehow violates the requirement in Article IX, section 3(4) that "[t]he legislature shall provide for the administration, control, and regulation of water rights and shall establish a system of centralized records, in addition to the present system of local records." The Compact, however, does not relinquish the State's duty regarding this provision.

First, the Constitution does not delineate how the State is to accomplish the objective to administer, control, and regulate the State's water rights. Indeed, the Legislature has broad authority to do so, especially when laws are "rationally tied to the fulfillment of the unique obligations toward Indians". *Shook*, ¶¶ 352-53. Thus, if the Montana Legislature approves the Compact, including its unitary administration framework, it is acting in furtherance of its obligation to administer, control, and regulate water rights, not in violation of it.

Moreover, the proposed Compact specifically requires that the Water Management Board enter any water rights or change authorizations it approves into the DNRC water rights database, which is of course the "system of centralized records" that the Montana Legislature established pursuant to Article IX, section 3(4).

In sum, it is unlikely that a court would find that the Compact violates Article IX, section 3 given the well-established precedent concerning Indian reserved water rights and the deference afforded the Legislature in complying with its federally-mandated obligations toward the Tribes.

RESERVED WATER RIGHTS COMPACT COMMISSION



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Rep. Kathleen Williams

February 2, 2015

Senator Chas Vincent
Montana Senate
PO Box 200500
Helena, MT 59620-0500

Dear Senator Vincent,

You have asked me to respond to assertions made in a letter addressed to Montana Legislators on January 12, 2015, from Mr. Richard Simms, on behalf of the Montana Land and Water Alliance regarding the proposed CSKT Compact. Mr. Simms makes a number of incorrect statements pertaining to both the Compact itself and to historic irrigation practices on the Flathead Indian Reservation. For ease of reference, I have reproduced Mr. Simms' numbered claims and addressed them in the order in which he raised them in his letter and accompanying "Executive Summary."

Mr. Simms claims at the outset that The Compact transforms "Federal reserved water rights under *Winters v. United States*, 207 U.S. 564 (1908), into Indian reserved water rights, greatly expanding the nature and scope of the permissible claims that Indian tribes can make under the Winters Doctrine."

To support his initial premise, Mr. Simms describes arguments made in the context of litigation by the Tribes as to their ownership of land and water on and underneath the Reservation and attributes that legal position to the Commission, going further to state that the Compact ratifies that position. The articulated position of the Tribes that Mr. Simms attributes also to the Compact Commission likely reflects the Tribes' legal position should their filed claims go forward in the Adjudication if the Compact fails. They do not, however, reflect a position agreed to by the parties in the Compact, nor do they accurately represent the underlying premise of the Compact. The proposed Compact, on the contrary, quantifies usufructuary rights for the Tribes, and contains nothing inconsistent with Article IX, Section 3 of the Montana Constitution providing that "waters within the boundaries of the state are the property of the state for the use of its people."

Mr. Simms' assertion that the Compact Commission has adopted "the legal proposition that the Tribes reserved their own Reservation with a 'time immemorial' water rights priority" appears to lie at the heart of his argument that the Compact transforms federal reserved rights into Indian reserved rights. It is also incorrect. Fundamental to the Commission's negotiating position is the proposition that the United States withdrew the Flathead Indian Reservation from the public

domain, that appurtenant water rights have a July 16, 1855 priority date, and that the Tribes retained some "aboriginal" rights while ceding the majority of their aboriginal territory to the United States. This is reflected in the proposed Compact and attached abstracts, which recognize rights with both a July 16, 1855 priority date and those with a "time immemorial" priority date. This recognition is consistent with controlling legal precedent determining that rights held by the Tribes prior to the treaty date and not ceded by them, carry a time immemorial priority date.¹

Ultimately, Simms' arguments are based on a manifestly false assumption: namely that the Tribes have the ability to claim—and by extension that the State has the ability to negotiate—only so called "*Winters*" rights, those rights created through the reservation of land from the public domain. This premise ignores the fact that state and federal courts have determined that not only do aboriginal rights carrying a time-immemorial priority date exist, but they are also part and parcel of the category of "reserved rights" for purposes of McCarran Amendment adjudicatory jurisdiction, and for purposes of the Montana General Stream Adjudication.²

1. "The Tribes claimed and the 2013 Compact would have awarded 179,539 acre feet of water, measured at the farm turnouts, for the irrigation of 128,241.73 acres of land in the Flathead Irrigation Project. The historical duty of water in the Project was 4.7 acre feet per acre. The 2013 Compact reduced the historical duty by 3.3 acre feet per acre to 1.4 acre feet, diminishing the amount of water historically available to the irrigators on farm by 423,200 acre feet annually. This reduction in supply is carried into the new Compact."

At the outset, Mr. Simms does not identify the source from which he derives a "historic duty" of 4.7 acre feet per acre, citing only a 1938 Bureau of Indian Affairs report as support for the numbers used throughout his argument on this point. Mr. Simms also fails to note that the 1.4 acre-feet per acre—the amount that represented the maximum Farm Turnout Allowance under the former Water Use Agreement—is not part of the current proposed Compact.³

It appears that the most likely source for Mr. Simms' claims is a document referred to as the "Clotts" report in the BIA's "Operation and Maintenance Guidelines for the Flathead Indian Irrigation Project." The report is attached as Appendix A to those Guidelines.⁴ Mr. Simms claims, based on this report, that 490,859 acre-feet of water was available for the irrigation of 104,859 project acres, equaling a "historic duty" of 4.7 acre-feet per acre. The clear implication is that this "historic duty" was actually delivered to irrigators on the project. In fact, the 490,859 referred to in the report represents a tally of *the total supply of water theoretically available for irrigation of the project*, and is not only predicated on diversion and pumping structures that had yet to be built but actually counts at least 48,000 acre-feet of water from the Jocko twice,

¹ *State ex rel. Greely v. Confederated Salish and Kootenai Tribes of Flathead Reservation*, 219 Mont. 76, 92 (1985).

² See *Greely*, 219 Mont. 76, 99; *Joint Bd. of Control of Flathead, Mission and Jocko Irr. Districts v. U.S.*, 832 F.2d 1127, 1131 (9th cir.1987).

³ Neither is it a correct characterization of the limitations of the 2013 FIIP Water Use Agreement, which also provided for a Measured Water Use Allowance to allow delivery of up to two acre-feet per acre.

⁴ *Operation and Maintenance Guidelines, Flathead Indian Irrigation Project, Flathead Agency*, available at: http://projects.battelle.org/fiipea/BIA_Operation_and_Maintenance_Guidelines.pdf.

anticipating that it could be made available in the Mission after construction of the Flathead pumping station.

The irrigated acreage cited by Simms is equally hypothetical. The Clotts report does not contain a reference to 104,859 acres, but does reference 104,490 acres of land "Under Constructed Works." The actual number of acres irrigated in 1938, according to the report, was only 76,002. The amount of 4.7 acre-feet per acre derived by Mr. Simms is a purely imaginary one based on a division of all sources of water in the project area by the total acres at the time that were physically capable of being served by the project.

Two other reports reference historically delivered amounts and associated quotas reported contemporaneously with the Clotts report. The first is a 1939 Department of Interior, U.S. Indian Irrigation Service report titled "Report on Water Supply of the Flathead Irrigation Project Montana," prepared by P.V. Hodges. The second report expands the period of record addressed in the Hodges report to include a period following the construction of the Flathead pumping plant, and is referenced here as the Kollenborn report.⁵ Both of these sources cite historic delivery amounts of much less than 4.7 acre-feet per acre.⁶ Both reports demonstrate that even prior to the implementation of interim instream flow requirements, the FIIP was a deficit irrigation system, and both current and historic quotas reflect that fact.⁷

All of the referenced sources cite delivery amounts for a time when the acreage irrigated by the project was significantly less than it is today, which would in theory have resulted in a larger per-acre quota. This is somewhat offset by the fact that the Flathead River pumping plant had not yet been completed, thus reducing the supply available to the Mission Valley relative to the present. It is also important to view these sources in light of the fact that the interim instream flows—instituted as a result of a 1987 judicial decision—had not yet been implemented.⁸

One of the difficulties faced by the negotiating parties was to accurately quantify historic farm deliveries on the project in the face of missing or incomplete records of water actually delivered to individual farm turnouts. The method used to calculate allocations between instream flow rights and project deliveries used measured data from the period from 1983 to 2002 to create a water budget for the entire project. The water budget was then input unto the HYDROSS water accounting model, which was used to create water budgets for individual service areas and ultimately to determine water savings that could be achieved through improvements to the project and added to instream flows while maintaining farm delivery values.⁹

⁵ H.S. Kollenborn, 1945. *Report on Water Supply and Water Use for the Flathead Irrigation Project Montana*. United States Department of the Interior Office of Indian Affairs Irrigation Division Agricultural Economics Unit.

⁶ For example, according to the Hodges Report, average deliveries to the Mission Valley in the period from 1934 through 1938 were 1.45, 1.17, 1.26, 3.40, and 1.54 acre-feet per acre for Mission, Post, Pablo, and Hillside Lands respectively. Memo from Seth Makepeace, dated January 22, 2015, p. 2, citing the Hodges Report.

⁷ Makepeace Memo.

⁸ *Id.*

⁹ CSKT Compact Technical Working Group, *Report of Findings: Technical review of proposed CSKT water rights settlement for the Water Policy Interim Committee*, August 26, 2014 (hereinafter "Technical Working Group Report"), available at: http://www.dnrc.mt.gov/rwrcc/Compacts/CSKT/wpic/tech-work-group_findings-sept23.pdf

Mr. Simms cites the 2013 proposed abstracts for the FIIP water rights for the proposition that the total quantification for the project equals 179,538 acre-feet, resulting in a "duty" of 1.4 acre feet per acre. Those abstracts were limited by the maximum Farm Turnout Allowance agreed to in the FIIP Water Use Agreement. As demonstrated in the State's technical review, the Farm Turnout Allowances accurately reflect historic farm deliveries when aggregated and averaged across a service area.¹⁰ They do not, however, form an appropriate "duty" or quota at the individual farm turnout because they do not accurately reflect individual variations in crop consumption and application efficiency across the project.

Partially as a result of the State's analysis, the Farm Turnout Allowance is not a provision of the current proposed Compact. The Compact clearly states that the River Diversion Allowances supply the FIIP Water Use Right.¹¹ The River Diversion Allowances, which are set forth in Appendix 3.2 to the 2015 proposed Compact, add up to a maximum RDA of 302,250 acre-feet.¹² The 2015 proposed compact uses the RDAs as evaluated using Historic Farm Deliveries set forth in Appendix 3.3 to satisfy the FIIP Water Use Right. These numbers are consistent with historic use on the FIIP. In the event that RDAs are not sufficient to meet Historic Farm Deliveries, they can be adjusted.¹³

2. "The 2013 Compact, discussed above, would have permanently reduced the irrigators' water supply by 423,200 acre feet annually. The new Compact, released on January 7, 2015, preserves what would have been done by the 2013 Compact, but exacerbates the permanent reduction in the irrigators' water supply by 35,908 to 71,816 more acre feet annually by changing the measurement of the water delivered to the irrigators from the farm turnouts to a River Diversion Allowance."

Mr. Simms' assertion on this point is incorrect. The RDA numbers are identical to the 2013 RDA numbers. The key change in the 2015 proposed Compact is that the RDAs, as evaluated using Historic Farm Deliveries, and not the FTAs, are the limiting factors for FIIP deliveries. The cumulative RDA, as illustrated above, is a much larger amount of water than the FTA for the three project service areas precisely *because* it was quantified to take into account project inefficiencies between the River Diversion point and the farm turnout, and to be capable of supplying excess water on top of the FTA, even after these carriage inefficiencies are accounted for. This change was in direct response to irrigator requests for verification that the modeled numbers were capable of supplying historic delivery amounts. The evaluation process is also intended to address this point. In the unlikely event that RDAs are incapable of supplying Historic Farm Deliveries within a service area, those RDAs may be adjusted using pumped water.

¹⁰ *Instream Flow and Irrigation Diversion Aspects of the FIIP Water Use Agreement: State of Montana Evaluation and Recommendations*, August 4, 2014, available at: http://www.dnrc.mt.gov/rwrc/Compacts/CSKT/state_wua_evaluation_8-4-14.pdf.

¹¹ See Compact Article II.58.

¹² Not included in this number is the 65,000 acre foot RDA for the Flathead pumping station. RDAs are quantified for wet, normal, and dry years. The cumulative RDAs are 302,250 (wet), 278,000 (normal), and 256,900 (dry).

¹³ Compact Article IV.D.3.

3. **"The on-Reservation instream flows were created: 1) to provide a basis upon which to exercise Tribal control over all of the water entering the Reservation; 2) to impose numerous conservation measures on the Irrigation Project irrigators and to convert the water thus saved to Tribal instream flows 3) to make it possible to control the "secretarial water rights" within the Irrigation Project; and 4) to make it possible to control all of the state-based, private diversions on the Reservation outside of the Irrigation Project to minimize their use of water. These four objectives are accomplished through the Tribes' on-Reservation instream flow claims, which are adopted in the Compact."**

The basis of Mr. Simms' argument appears to be that fisheries instream flow water rights may only be used to preclude upstream diversions by junior users and to prevent new development. Therefore, he argues, to quantify water rights for the Tribes for the sole purpose of exerting control over all of the water on the Reservation is an illegal use of such rights. He appears to derive this theory—once again—from the Tribes' articulated litigation position as to ownership of water on the Reservation. He concludes, based on this reasoning, and without any legal citations to support his argument, that the Supreme Court would not recognize the types of instream flow rights quantified under the Compact, and that the Compact "eliminates the State of Montana's constitutional mandate to administer public waters on the Flathead Reservation.

The Compact manifestly represents not an adoption of the Tribes' legal argument but a significant compromise of their legal positions on ownership and instream flow needs for fisheries. The instream flow rights quantified to the Tribes under the compact for the purposes of maintaining fisheries were almost universally calculated, located, or conditioned to protect existing uses rather than to maximize flows for fish or exert control over water resources. This is clear from a close look at the three types of on-Reservation instream flows categorized by the compact and criticized by Simms. Finally, the Compact, by implementing a system of shared administration over waters on the Reservation that must be adopted by the Montana legislature, comports with Article IX, Section 3(4) of the Montana Constitution.

a. Natural Instream Flows

Simms asserts that the "Natural Instream Flows" quantified in Compact Article III.C.1.d.i and Appendix 10, were "designed to make it possible for the CSKT to exercise control over all of the natural runoff from the Mission Mountains that enters the Reservation." This is manifestly untrue. These flows were established in a way that overtly protects existing uses. This is demonstrated by the fact that every one of the enforcement points for these flows is located *upstream* of existing diversions. This means that these rights *cannot* be used to make a call against any existing uses. The argument that these rights are somehow intended to "exert control" over all natural runoff is senseless.

b. FIIP Instream Flows

The FIIP instream flows quantified by Compact Article III.C.1.d.ii and Appendix 11, were derived based not on optimal fisheries conditions but rather on the existing water budget for

streams feeding the FIIP, taking into account relatively modest gains in efficiency that would be achieved through State and federal contributions to settlement.¹⁴ Simms implies that these increases in efficiency are obtained at the expense of "conservation measures" imposed on FIIP irrigators. To the contrary, the majority of both Operational Improvements and Rehabilitation and Betterment activities will be implemented using State and federal dollars that will not be available without the settlement. Projects affecting FIIP infrastructure will be implemented without the imposition of any conditions or requirements on individual irrigators. Ultimately, the extent to which the irrigators participate in project improvements relating to on-farm measurement and efficiency will directly impact the ability to evaluate the sufficiency of RDAs, to provide direct benefits to irrigators in terms of on-farm efficiency upgrades, and to achieve satisfaction of the Tribes' target instream flows which will allow additional saved water to be shared between instream flows and the project.

Simms is correct that the FIIP instream flows, as opposed to the interim instream flows that are currently in place were not calculated using "three commonly accepted fishery methodologies to determine minimum instream flows." Rather, the FIIP instream flows were quantified based on "streamflow remaining after irrigation diversions have occurred" and taking into account efficiency increases from Operational Improvements.¹⁵ When compared to streamflows generated using a "commonly accepted fishery methodology," the compacted FIIP instream flows are *lower* than those generated using the type of methodology of which Simms appears to approve.¹⁶ This is precisely the type of concession that is possible through the Compact as opposed to litigation. The Tribes' filed claims will almost certainly be calculated based on "commonly accepted fishery methodologies" and will undoubtedly represent much larger claimed instream flows than those quantified by the Compact.

c. Other Instream Flows

Simms next asserts that 82 instream flow rights quantified under the compact were created to "exercise Tribal control over the 'Secretarial water rights' within the Flathead Irrigation Project and the 'private water rights' outside of the Project. This section of the letter is titled "The Other Reservation Instream Flows" and presumably Simms is referring to the "Other" category of instream flows quantified under Article III.C.1.d.iii and Appendix 12 of the Compact, given that he previously addressed both the FIIP and Natural instream flow categories. It is difficult to determine that this is the case, however, as there are only 49 "Other" instream flows, not 82, and the terminology used in the letter and attached map is only partially consistent with that used in the Compact.

Presuming, nonetheless, that the "Other" instream flows are at least in part the rights to which Simms refers, he fails to mention a critical protection for existing uses. Namely, the "Other" instream flows, while quantified in the Compact,¹⁷ cannot be enforced until a final decree for the

¹⁴ *Technical Working Group Report* at 46.

¹⁵ *Id.*

¹⁶ *Id.* at 46-47. (The Report notes that "in some stream reaches, the use of streams to convey water to or from storage reservoirs inflates these numbers above that which would have naturally occurred.")

¹⁷ Compact Article III.C.1.d.iii, Appendix 12.

relevant basin has been issued by the Montana Water Court *and* an enforceable schedule has been established pursuant to Section 2-1-115 of the Unitary Management Ordinance. The process for setting an enforceable schedule requires notice and one or more public meetings, as well as extensive technical work to establish the extent of existing uses and the proposed enforceable schedule. Most important, the enforceable schedule must be "based on a water budget that allows valid water rights to be exercised,"¹⁸ meaning that these flows, just like the Natural flows, by definition protect existing uses rather than controlling them, as Simms asserts.

4. **"In the guise of off-reservation instream flows, the Compact would award the Tribes control over almost all of the water west of the Continental Divide in Montana, the use of which was previously under the control of the State of Montana for the Beneficial Use of its Citizens."**

Mr. Simms once again appears to base his argument the Tribes' articulated litigation position. As previously explained, the Tribes' litigation position, to the extent it is represented by the document cited by Mr. Simms, is neither representative of the Commission's position on these issues nor reflective of the settlement provisions contained in the Compact. On the contrary, the Tribes made substantial concessions on their legal claims in the Compact.

Mr. Simms asserts that Article III of the Treaty of Hellgate cannot be interpreted to provide off-Reservation instream flow water rights for the Tribes. The language at issue reads: "The exclusive right of taking fish in all streams running through or bordering said reservation is further secured to said Indians; *as also the right of taking fish at all usual and accustomed places, in common with the citizens of the Territory...*" (emphasis added). Simms asserts that the italicized language provides the Tribes with no greater rights than are held by non-Indians in the State of Montana: "A right owned in common is a right owned or shared equally by all members of the common group, which in this case includes the Tribes and the non-Indian citizens of Washington Territory, who today are the non-CSKT citizens of the State of Montana." (Simms, pp. 11-12).

Simms' literal interpretation has been considered and explicitly rejected by the U.S. Supreme Court: "The Court has interpreted the fishing clause in these treaties on six prior occasions. In all of these cases the Court placed a relatively broad gloss on the Indians' fishing rights and—more or less explicitly—rejected the State's "equal opportunity" approach."¹⁹ Simms further maintains that there is no legal precedent for recognizing off-reservation rights with a "time immemorial" priority date, and that Article III and its reference to "usual and accustomed places" is limited to the areas ceded by the Tribes west of the Continental divide. Simms provides no legal precedent in support of either proposition.²⁰

¹⁸ UMO Section 2-1-115(3).

¹⁹ *Washington v. Washington State Commercial Passenger Fishing Vessel Ass'n*, 443 U.S. 658 (1979).

²⁰ The citation to the Indian Claims Commission Findings of Fact for Docket No. 61, available as 8 Ind. Cl. Com. 40 is misplaced. Findings of fact no. 17 through 19 make no reference to Article III or the rights it conveys but instead represent general historical observations about the territories the various tribes considered to be part of their exclusive ownership.

The off-Reservation rights quantified under the Compact reflect the underlying uncertainty in this area of the law. It is precisely this uncertainty and the associated risks to both parties that the off-Reservation rights are intended to resolve. The Commission has consistently emphasized this fact and its importance to the negotiated provisions ultimately agreed to in the Compact. While there is substantial precedent for the existence of on-Reservation instream flows with a time-immemorial priority date,²¹ limited precedent exists for or against the extension of these types of rights to the Tribes' ceded aboriginal territory off the Reservation.

What precedent does exist is conflicting. Idaho's Snake River Basin Adjudication Court determined that the Nez Perce tribes lacked rights to off-Reservation instream flows with the exception of a limited number of named springs.²² The Tribes' claims were never considered on appeal as the State of Idaho entered into a settlement with the Tribes that included the recognition of a number of state-based instream flow water rights, among other concessions. By contrast, the Washington Supreme Court affirmed a state trial court decision that despite congressional diminishment of the Tribes' off-reservation rights, the Yakima Tribes nonetheless possess time-immemorial off-Reservation rights in the Yakima River and its tributaries to preserve the fishery.²³

Because there is no controlling precedent on the issue of whether the Article III language provides a minimum instream flow water right to sustain off-Reservation fisheries, the Commission looked to the limited existing state court precedent on this point as well as to existing federal precedent interpreting other aspects of this treaty language.²⁴ In doing so, it concluded that there is enough uncertainty about the meaning of this language that settlement of the Tribal claims in a way that effectively mitigates adverse impacts to state water users and does not create legal precedent is far preferable to the time, expense, economic impact, and risk of litigation. This is particularly true given that existing precedent does provide support for tribal claims, and it is well established that ambiguity in treaty language must be resolved in favor of tribal interests.²⁵

Conclusion

Simms closes with a refrain of his first argument, stating that the Compact gives "control of the public water supply to the Tribes" and violates Article IX, Section 3 of the Montana Constitution. The Commission has previously addressed this argument in numerous documents and in response to Simms' first point above. Contrary to Simms' assertion, the Compact, far from giving the Tribes control over all water on the Reservation or in Western Montana, precluding the continued use of existing state based rights, preventing changes of use of existing rights, and preventing the development of new uses under state law, does precisely the opposite. The Compact protects existing uses while complying with the State's obligation under federal

²¹ See *U.S. v. Adair*, 723 F.2d 1394, (9th Cir. 1983), cert. denied 104 U.S. 3536 (1984); *Greely*, 219 Mont. at 99.

²² *In re. SRBA Case No. 39576, Consolidated Subcase 03-10022*, Idaho Fifth Judicial District Court (Nov. 10, 1999).

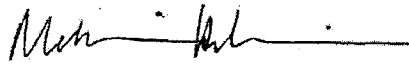
²³ *State, Dept. of Ecology v. Yakima Reservation Irr. Dist.*, 121 Wash.2d (1993).

²⁴ See pp. 2-4 of RWRCC letter to Chairman Vincent and the Water Policy Interim Committee, dated 12/16/2013, available at: http://www.dnrc.mt.gov/rwrcc/Compacts/CSKT/wpcc/rwrcc_letter_to_vincent.pdf

²⁵ *Greely*, 219 Mont. at 90; see also Memo from Helen Thigpen, Staff Attorney, to Montana Water Policy Interim Committee, Dated August 22, 2014 at p. 29.

law to recognize Tribal reserved rights; it provides for changes of use on the Reservation—something that has not been legally possible since 1996; and it provides a large supply of newly available water from the Flathead River system and Hungry Horse reservoir that will allow for new development of water uses both on and off the Reservation.

Sincerely,



Melissa Hornbein
Staff Attorney
Montana Reserved Water Rights Compact Commission

C: Governor Steve Bullock
Attorney General Tim Fox
John Tubbs
Chris Tweeten

Understanding Abstracts for Statements of Claim in Montana

The Montana Claims Examination Manual, Rule 2(a), defines an abstract as "the computer printout of each claim of an existing water right showing the information submitted on the original or amended statement of claim, any changes authorized by these rules or by the water court, remarks noting any obvious factual or legal issues presented by the claim, and other remarks explaining the nature and extent of the claimed water right."

An abstract will typically contain the following elements of a water right:

1. Owner and address
2. Purpose
3. Source
4. Type of irrigation system (for irrigation claims)
5. Priority date
6. Type of historical right
7. Flow rate
8. Volume
9. Maximum acres
10. Period of use
11. Point of diversion
12. Means of diversion
13. Reservoir (if applicable)
14. Place of use.

An abstract also includes the basin code, water right identification number, surface water or groundwater designation, climatic area for irrigation, and period of diversion. This article describes these elements as they are reflected on an abstract for a statement of claim. All definitions of water right elements described in this article are generally drawn from Rule 2 of the Montana Claims Examination Manual, and portions of several different abstracts are used as examples below.

Over 200,000 water right claims have been filed in Montana's general stream adjudication, and their abstracts reflect their status as statements of claim. Abstracts are also generated for water right permits, certificates, and reservations. This is designated on an abstract after the basin code and water right identification number:

GENERAL ABSTRACT

Water Right
Number:

41F 78415 00 STATEMENT OF CLAIM

The version type indicates whether the abstract is showing the original right, post-decree modifications from the Montana Water Court, or a change authorization. Version status indicates whether an abstract is active, or a different status such as dismissed or withdrawn.

Version: - ORIGINAL RIGHT

Version Status: ACTIVE

"Owner" means any person, according to Section 85-2-102, MCA, who has title or interest in water rights or properties. The claim owner is reflected with a mailing address:

Owners:

USA (DEPT OF INTERIOR BUREAU OF LAND MGMT)
5001 SOUTHGATE DR
BILLINGS, MT 59101 4669

"Priority Date" means the allocation date, or date of first use associated with a beneficial use of water which determines ranking among water rights, usually expressed by day, month, and year. The priority date is shown with its enforceable priority date, and the type of historical right will indicate whether the claim's historical basis was a filed right, use right, or based upon a pre-1973 District Court decree. Most claims will show the priority date and enforceable priority date as the same:

Priority Date: September 6, 1966

Enforceable Priority Date: September 6, 1966

Type of Historical
Right: FILED

Late claims (those filed pursuant to Section 85-2-221, MCA) will show an enforceable priority date of June 30, 1973:

Priority Date: May 10, 1889

Enforceable Priority Date: June 30, 1973

Type of Historical
Right: DECREE

The purpose of a right will indicate whether its use includes irrigation, stock, domestic, municipal, industrial, or another purpose such as fishery or fish and wildlife.

Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate: 1050 CFS
Maximum Volume: 351883.00 AC-FT
Source Name: MADISON RIVER
Source Type: SURFACE WATER

"Flow Rate" means the rate at which water has been diverted, impounded, or withdrawn from the source for beneficial use. Historically, flow rate was measured in miner's inches. The official unit of measurement for water in Montana is cubic feet per second, or CFS. Section 85-2-103, MCA. 40 miner's inches equals one CFS, or 448.83 gallons per minute. Small flows are measured in gallons per minute and larger flows are measured in cubic feet per second.

Volumes are quantified in acre-feet per year. An acre-foot is the amount of water necessary to cover one acre with one foot of water. One acre-foot is about 325,000 gallons. Not all claims are decreed a quantified volume, such as direct flow irrigation claims, and many stock claims.

The source name is the natural source from which water is diverted or otherwise taken for a beneficial use, and the source type reflects whether the right is for surface or ground water.

Source Name: NORTH MEADOW CREEK
Source Type: SURFACE WATER

"Point of Diversion" (POD) means the location or locations where water is diverted from the source.

Points of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWNE	30	4S	1W	MADISON
Period of Diversion:	APRIL 1 to OCTOBER 4					
Diversion Means:	HEADGATE					

Period of Use: APRIL 1 TO OCTOBER 4

Purpose (use): IRRIGATION

For instream or inlake appropriations, the point of diversion is the portion of the source in which the instream or inlake use occurs. Period of use is generally defined as the time from the first use of the year through the last use of the year, and period of diversion indicates the time

that water is diverted for beneficial use. For many rights that do not involve storage, period of use and period of diversion may be the same.

Points of Diversion and Means of Diversion:						
ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
7			17	2N	2E	GALLATIN
Period of Diversion: JANUARY 1 to DECEMBER 31						
Diversion Means: INSTREAM						
31			6	1N	1E	JEFFERSON
Period of Diversion: JANUARY 1 to DECEMBER 31						
Diversion Means: INSTREAM						
49			18	1N	2W	JEFFERSON
Period of Diversion: JANUARY 1 to DECEMBER 31						
Diversion Means: INSTREAM						

"Place of Use" (POU) means the lands, facilities, or sites where water is beneficially used. For irrigation, the place of use will be shown with the maximum irrigated acres.

Purpose (use): IRRIGATION							
Place of Use: (3 total records)							
ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	81.00		SE	29	4S	1W	MADISON
2	41.00		W2SW	28	4S	1W	MADISON
3	10.00		NWNW	33	4S	1W	MADISON
Total:	132.00						

For a municipal well, the place of use may be depicted as follows:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1			S2	25	2N	1E	GALLATIN
	Subdivision:	MILWAUKEE LAND CO SECOND ADD (					
2			SE	26	2N	1E	GALLATIN
	Subdivision:	MILWAUKEE LAND CO SECOND ADD (					
3			NE	35	2N	1E	GALLATIN
	Subdivision:	MILWAUKEE LAND CO SECOND ADD (					
4			NW	36	2N	1E	GALLATIN
	Subdivision:	MILWAUKEE LAND CO SECOND ADD (					

An instream stock right will be depicted this way if the stock use extends along a stretch of a stream or river that encompasses multiple quarters or sections in a legal description:

Purpose (use): STOCK

Place of Use: (10 total records)

ID	Acres	Govt Lot	Qtr Sec	Sec	Tap	Rge	County
1			N2N2SE	29	1N	4E	GALLATIN
2			SENESE	29	1N	4E	GALLATIN
3			SWNESE	29	1N	4E	GALLATIN
4			SENWSE	29	1N	4E	GALLATIN
5			SWNWSE	29	1N	4E	GALLATIN
6			SESENE	29	1N	4E	GALLATIN
7			NWSENE	29	1N	4E	GALLATIN
8			SWSENE	29	1N	4E	GALLATIN
9			SESWNE	29	1N	4E	GALLATIN
10			NESWNE	29	1N	4E	GALLATIN

An instream flow right for fisheries will have a place of use that details the different reaches on which the flow rate is claimed, similar to the description for the instream stock right. The place of use parcels listed should not be used to add up the flow rate. The flow rate for the claim is designated under the maximum flow rate and maximum volume fields of the abstract. The place of use should be used to interpret the specific stream reaches where the instream flow would be protected for that particular claim. The place of use for an instream flow right for fisheries is reflected this way:

ID	Acres	Govt Lot	Qtr Sec	Sec	Tap	Rge	County
1			SE	10	5S	1W	MADISON
2			SW	11	5S	1W	MADISON
3				14	5S	1W	MADISON
4				15	5S	1W	MADISON
5				22	5S	1W	MADISON
6				23	5S	1W	MADISON
7				27	5S	1W	MADISON
8				34	5S	1W	MADISON
9				3	6S	1W	MADISON
10				4	6S	1W	MADISON
11				8	6S	1W	MADISON
12				9	6S	1W	MADISON
13				17	6S	1W	MADISON
14				20	6S	1W	MADISON
15				29	6S	1W	MADISON
16				30	6S	1W	MADISON
17				31	6S	1W	MADISON
18				32	6S	1W	MADISON
19				5	7S	1W	MADISON
20				6	7S	1W	MADISON
21				8	7S	1W	MADISON
22				17	7S	1W	MADISON
23				20	7S	1W	MADISON
24				28	7S	1W	MADISON
25				29	7S	1W	MADISON
26				33	7S	1W	MADISON
27				34	7S	1W	MADISON

The point of diversion and place of use for instream and inlake claims are clarified during examination:

RULE 31. POINT OF DIVERSION (POD) AND MEANS OF DIVERSION FOR INSTREAM OR INLAKE APPROPRIATIONS. The department's examination of the claimed POD for instream or inlake other uses claims shall follow the procedures described in Rule 8, W.R.C.E.R. In addition, the following procedures will apply to the examination of the POD for such claims. (a) For instream water use, the legal land description of the POD will be the same as the legal land description of the POU. (b) The claimed POD may be revised by the department so that the POD and POU legal land descriptions for instream water use will be the same. (c) A clarifying remark should be added to the point of diversion to provide a general geographic description of the instream reach claimed and to promote the public's ability to understand the extent of the claim. Example: THIS RIGHT FOR INSTREAM USE APPLIES FROM SMITH DAM IN JONES COUNTY DOWNSTREAM TO THE CONFLUENCE OF THE NORTH FORK OF ROCK CREEK WITH THE GREEN RIVER IN MACON COUNTY. (d) For all instream or inlake surface appropriations, the claimed means of diversion will be changed during the department's examination to "INSTREAM" or "INLAKE."

Abstracts reflect a geocode, which assists the Montana Department of Natural Resources and the Montana Department of Revenue in updating ownership for water rights transfers.

Geocodes/Valid: 06110536201040000 - Y

The last field in an abstract may contain remarks, including informational remarks and issue remarks.

Remarks:

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

CLAIMS 41F-W133728-00, 41F-W133729-00 AND 41F-W133730-00 ARE ALL FOR THE SAME SINGLE WATER RIGHT. THREE CLAIMS WERE FILED TO SHOW THE DIFFERENT QUANTITIES OF WATER USED DURING THREE DISTINCT SEASONAL USES. CLAIM 41F-W133728-00 IS FOR JUNE 1 TO JULY 15, 41F-W133729-00 IS FOR JANUARY 1 TO MAY 31, AND 41F-W133730-00 IS FOR JULY 15 TO DECEMBER 31.

Remarks are added by the department or the Water Court to limit or define a water right, to explain unique aspects of a water right, and to identify potential factual and legal issues. Remarks that limit, define, or explain unique aspects of a claim are "clarifying" or informational remarks and appear on the abstract under the element they clarify or at the end of the abstract if they contain general information. Remarks that identify potential factual or legal issues are "issue" remarks and appear in the issue remark box at the end of the abstract. Because issue remarks must be resolved by the Montana Water Court pursuant to Section 85-2-248, MCA,

and also because objectors often use issue remarks to decide whether to object to a claim, these remarks are some of the most important aspects of an abstract.

All of Montana's Indian water rights settlements involve the use of supplemental water sources to facilitate the balancing of the tribal water rights being recognized with the protections of state law-based uses. The Flathead System Compact Water Right (FSCW), set forth in Article III.C.1.c. and abstracted in Appendix 9 of the Compact, is the proposed CSKT Compact's version. The FSCW can be sourced from the mainstem of the Flathead River, Flathead Lake and the South Fork of the Flathead River, either on or off the Flathead Indian Reservation, or, with DNRC approval, it may be used downstream of the confluence of the Flathead and Clark Fork Rivers. This direct flow water right includes the use of up to 90,000 acre-feet from Hungry Horse Reservoir.

The Diversion Means and Purposes are uniquely flexible for this water right, a design that accommodates the diverse host of potential future and existing uses to be supplied by this water right:

1. State Water Mitigation Bank: Pursuant Article IV.B.7, 11,000 acre-feet of this water right can be designated by the Montana DNRC for the purposes of mitigating new or existing domestic, commercial, municipal and industrial water uses for a lease fee of \$40/acre-foot/year plus inflation. and amount of water allocated at the discretion of the State that can be used to address existing limitations of legal water availability in some areas of the Clark Fork Basin.
2. Flathead Indian Irrigation Project Water Use Right Supplemental Water: the Tribes are obligated to lease water from the FSCW right for purposes supplementing River Diversion Allowances during periods of Shared Shortages as set forth in Article IV.C through F of the Compact for a lease fee of \$8/acre-foot/year plus inflation plus a \$25 administrative fee per lease.
3. Uses by the Tribes: FSCW provides water for the Tribes for existing and future tribal water needs, thereby settling for all time the Tribes' claims to reserved water rights.
4. Future Water Lease Options: FSCW provides the Tribes an opportunity to lease this water to water users within Montana in both the Flathead and Clark Fork River basins.
5. Keeping Water in Montana: FSCW may not be used or leased outside of Montana.
6. ESA and Columbia Treaty Compliant: FSCW has been reviewed by the Bureau of Reclamation and Army Corps of Engineers as an amount of water that can be obligated in Montana without disrupting endangered species flow augmentation requirements or flood storage obligations for Hungry Horse Reservoir.
7. Maintains off-Reservation Jurisdiction: The use of the FSCW off the Reservation may only be done under the terms and conditions of state law (e.g. for quantification or issuance of water rights, water quality, species management, etc.).
8. Tracking FSCW use: FSCW uses and leases will be accounted for in the DNRC water rights database.
9. Call Protection: this water right does not subject any existing water users to call (see FSCW exercise constraints below).

The use of FSCW is restricted as to the flow conditions required to be present along the south fork and mainstem of the Flathead River before the water right can be used. There are also conditions regarding the filling and release of water impounded by both Hungry Horse Reservoir and Flathead Lake.

The requirements to maintain these instream flow and ramping rates provide assurances that the use of FSCW will comport with the FERC licensing regulations for Kerr Dam, the Biological Opinion requirements of Hungry Horse Reservoir, the downstream Columbia River Endangered Species Act requirements, Flathead Lake Filling targets, flood storage requirements, and the Biological Constraints of Hungry Horse Reservoir. Accordingly, the Tribes are required to coordinate with the Hungry Horse Operator so as to ensure that Hungry Horse releases match depletions associated with the FSCW use during lower flow periods of the year. In contrast to a typical water right that would look to make call on junior uses during times of limited supply, the FSCW use is predicated on the mandate that the 90,000 acre-feet of storage be released in a manner so that call conditions will not occur, with the strict stipulation that should such call conditions occur, FSCW use would need to be curtailed until such time as call conditions are no longer present. In other words, the water right mandates that it mitigate its own depletive use with Hungry Horse Reservoir storage water, thereby protecting other existing water uses (regardless of purpose) from depletions associated with FSCW use.

FLATHEAD SYSTEM COMPACT WATER & HUNGRY HORSE WATER

CSKT Water Compact FAQs

Table 3: Flathead Flow Minimums below Hungry Horse Dam (USGS gage 12362500) and Columbia Falls (USGS gage 12363000)

If the April-August	below Hungry Horse Dam	below Columbia Falls
greater than 1,790 KAF	900 cfs	3,500 cfs
1,190-1,790 KAF	400-900 cfs	3,200-3,500 cfs
less than 1,190 KAF	400 cfs	3,200 cfs

Table 4: Hungry Horse Dam Ramping Rates

If the discharge below Columbia Falls is:	Ramping UP may not exceed:
greater than 10,000 cfs	12,000 cfs / day
8,000 – 10,000 cfs	3,600 cfs / day
below 8,000 cfs	1,800 cfs / day
If the discharge below Columbia Falls is:	Ramping DOWN may not exceed:
greater than 12,000 cfs	5,000 cfs / day
8,000 – 12,000 cfs	2,000 cfs / day
6,000 – 8,000 cfs	1,000 cfs / day
below 6,000 cfs	600 cfs / day

Table 6. Flathead River Ramping Below Kerr Dam at U.S. Geological Survey gage 12372000

If the required release from Flathead Lake is:	Ramping may not exceed:
greater than 40,000 cfs	10,000 cfs / day
20,000 – 40,000 cfs	5,000 cfs / day
10,000 – 20,000 cfs	2,500 cfs / day
5,000 – 10,000 cfs	1,000 cfs / day
below 5,000 cfs	500 cfs / day

FLATHEAD SYSTEM COMPACT WATER & HUNGRY HORSE WATER

CSKT Water Compact FAQs

Table 5: Minimum Flathead River Flows Below Kerr Dam (U.S. Geological Survey gage 12372000)

Flathead River Mainstem Minimum Flow Daily Values As Measured at USGS Gage #12372000 Below Kerr Dam												
Da	Month											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	3200	3200	3200	3200	5510	12700	12280	3200	3200	3200	3200	3200
2	3200	3200	3200	3200	6020	12700	11860	3200	3200	3200	3200	3200
3	3200	3200	3200	3200	6530	12700	11440	3200	3200	3200	3200	3200
4	3200	3200	3200	3200	7040	12700	11020	3200	3200	3200	3200	3200
5	3200	3200	3200	3200	7550	12700	10600	3200	3200	3200	3200	3200
6	3200	3200	3200	3200	8060	12700	10180	3200	3200	3200	3200	3200
7	3200	3200	3200	3200	8570	12700	9760	3200	3200	3200	3200	3200
8	3200	3200	3200	3200	9080	12700	9340	3200	3200	3200	3200	3200
9	3200	3200	3200	3200	9590	12700	8920	3200	3200	3200	3200	3200
10	3200	3200	3200	3200	10100	12700	8500	3200	3200	3200	3200	3200
11	3200	3200	3200	3200	10610	12700	8080	3200	3200	3200	3200	3200
12	3200	3200	3200	3200	11120	12700	7660	3200	3200	3200	3200	3200
13	3200	3200	3200	3200	11630	12700	7240	3200	3200	3200	3200	3200
14	3200	3200	3200	3200	12140	12700	6820	3200	3200	3200	3200	3200
15	3200	3200	3200	3200	12650	12700	6400	3200	3200	3200	3200	3200
16	3200	3200	3200	3320	12700	12700	6200	3200	3200	3200	3200	3200
17	3200	3200	3200	3440	12700	12700	6000	3200	3200	3200	3200	3200
18	3200	3200	3200	3560	12700	12700	5800	3200	3200	3200	3200	3200
19	3200	3200	3200	3680	12700	12700	5600	3200	3200	3200	3200	3200
20	3200	3200	3200	3800	12700	12700	5400	3200	3200	3200	3200	3200
21	3200	3200	3200	3920	12700	12700	5200	3200	3200	3200	3200	3200
22	3200	3200	3200	4040	12700	12700	5000	3200	3200	3200	3200	3200
23	3200	3200	3200	4160	12700	12700	4800	3200	3200	3200	3200	3200
24	3200	3200	3200	4280	12700	12700	4600	3200	3200	3200	3200	3200
25	3200	3200	3200	4400	12700	12700	4400	3200	3200	3200	3200	3200
26	3200	3200	3200	4520	12700	12700	4200	3200	3200	3200	3200	3200
27	3200	3200	3200	4640	12700	12700	4000	3200	3200	3200	3200	3200
28	3200	3200	3200	4760	12700	12700	3800	3200	3200	3200	3200	3200
29	3200	3200	3200	4880	12700	12700	3600	3200	3200	3200	3200	3200
30	3200		3200	5000	12700	12700	3400	3200	3200	3200	3200	3200
31	3200		3200		12700	12700	3200	3200		3200		3200

ADDITIONAL
DOCUMENTS

PROPOSED FLATHEAD WATER COMPACT

PREPARED BY
CITIZENS FOR BALANCED USE
P.O. BOX 606
GALLATIN GATEWAY, MT 59730

ADDITIONAL
DOCUMENTS

**PROPOSED
WATER RIGHTS COMPACT
ENTERED INTO BY
THE CONFEDERATED SALISH AND KOOTENAI TRIBES,
THE STATE OF MONTANA, AND
THE UNITED STATES OF AMERICA**

January 2015

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**PROPOSED WATER RIGHTS COMPACT
ENTERED INTO BY
THE CONFEDERATED SALISH AND KOOTENAI TRIBES,
THE STATE OF MONTANA, AND
THE UNITED STATES OF AMERICA**

This Compact is entered into by and among the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, the State of Montana, and the United States of America to settle all existing claims to water of or on behalf of the Confederated Salish and Kootenai Tribes within the State of Montana.

ARTICLE I – RECITALS

WHEREAS, pursuant to the Hellgate Treaty of 1855, 12 Stat. 975, the Confederated Salish and Kootenai Tribes reserved the Flathead Indian Reservation; and

WHEREAS, the Confederated Salish and Kootenai Tribes claim aboriginal water rights and, pursuant to said Treaty, reserved water rights to fulfill the purposes of the Treaty and the Reservation; and

WHEREAS, in 1979, the United States, on its own behalf and on behalf of the Confederated Salish and Kootenai Tribes, their members and Allottees brought suit in the United States District Court for the District of Montana to obtain a final determination of the Tribes' water rights claims, see *United States v. Abell*, No. CIV-79-33-M (filed April 5, 1979); and

WHEREAS, as a result of Congressional action and subsequent judicial interpretation, state courts have been found to possess, under certain circumstances, adjudicatory jurisdiction over federal reserved water rights held in trust by the United States for the benefit of Indians; see, McCarran Amendment 43 U.S.C. 666; *Colorado River Conservation District v. United States*, 424 U.S. 800 (1976); *Arizona v. San Carlos Apache Tribe*, 463 U.S. 545 (1983); and

WHEREAS, the State of Montana initiated a general stream adjudication pursuant to the provisions of Chapter 697, Laws of Montana 1979, which includes claims regarding the Confederated Salish and Kootenai Tribes' water rights; and

WHEREAS, the Montana Reserved Water Rights Compact Commission, under 85-2-702(1), MCA, is authorized to negotiate settlement of water rights claims filed by Indian tribes or filed on their behalf by the United States claiming reserved waters within the State of Montana; and

WHEREAS, the Federal district court litigation was stayed in 1983 pending the outcome of Montana State court water adjudication proceedings, see *Northern Cheyenne v. Adsit*, 721 F.2d 1187 (9th Cir.1983); and

WHEREAS, the adjudication of Confederated Salish and Kootenai Tribes' water rights in the State court proceeding has been stayed while negotiations are proceeding to conclude a compact resolving all water rights claims of the Confederated Salish and Kootenai Tribes; and

WHEREAS, the Confederated Salish and Kootenai Tribes, or their duly designated representatives, have authority to negotiate the Compact and the Tribal Council has the authority to execute this Compact pursuant to Article 6, Section 1, subsections (a), (c), and (u) of the Constitution and Bylaws of the Confederated Salish and Kootenai Tribes said Constitution adopted and approved under Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended; and

WHEREAS, the United States Attorney General, or a duly designated official of the United States Department of Justice, has authority to execute this Compact on behalf of the United States pursuant to the authority to settle litigation contained in 28 U.S.C. 516-17 and the Federal legislation ratifying this Compact identified in Article VIII.B; and

WHEREAS, the Secretary of the Interior, or a duly designated official of the United States Department of the Interior, has authority to execute this Compact on behalf of the United States Department of the Interior pursuant to 43 U.S.C. 1457, inter alia, and appropriate Federal legislation ratifying this Compact as identified in Article VIII.B; and

WHEREAS, the Confederated Salish and Kootenai Tribes, the State of Montana, and the United States agree that the Tribal Water Right and other water rights described in this Compact, subject to the provisions of the Act of Congress identified in Article VIII.B, is in satisfaction of the water rights claims of the Tribes, their members and Allottees, and of the United States on behalf of the Tribes and their members and Allottees; and

WHEREAS, the Parties agree that it is in the best interest of all Parties that the water rights claims of the Confederated Salish and Kootenai Tribes be settled through agreement between and among the Tribes, the State of Montana, and the United States; and

WHEREAS, the Parties agree that there is a clear hydrological interrelationship between the surface water and Groundwater of the Reservation, and each use of water on the Reservation may affect water use by all water users on the Reservation; and

WHEREAS, the Parties agree that prudent and knowledgeable conservation, management, and protection of the water resources of the Reservation are essential to the health and welfare of all residents of the Reservation; and

WHEREAS, the Parties seek to secure to all residents of the Reservation the quiet enjoyment of the use of waters of the Reservation for beneficial uses; and

WHEREAS, the Parties agree to protect Tribal Instream Flows, Existing Uses, and Historic Farm Deliveries to Flathead Indian Irrigation Project irrigators; and

WHEREAS, the Parties desire to create a unitary administration system that would provide a single system for the appropriation and administration of the waters of the Reservation and for the establishment and maintenance of a single system of centralized records for all water uses of the Reservation regardless of whether the use is based on State or Federal law.

NOW THEREFORE, the Parties agree to enter into the Compact for the purpose of settling the water rights claims of the Confederated Salish and Kootenai Tribes, their members, and Allottees of the Flathead Indian Reservation, and of the United States on behalf of the Tribes, their members and Allottees, and to provide the necessary foundation for the establishment of a board composed of Tribal and State appointed representatives to provide for the unified administration of all water resources on the Reservation.

ARTICLE II - DEFINITIONS

The following definitions shall apply for purposes of the Compact:

1. "Acre-foot" or "Acre-feet" means the amount of water necessary to cover one acre to a depth of one foot and is equivalent to 43,560 cubic feet of water.
2. "Adaptive Management" means an ongoing process of decision-making, based on water measurement and accounting designed to continuously manage and improve the allocation of water between Instream Flows, Minimum Reservoir Pool Elevations, and FIIP Water Use Rights pursuant to the Adaptive Management Appendix 3.5.
3. "Allottee" or "Allottees" means an owner of an interest in a tract of land held in trust by the United States which was allotted pursuant to the Act of April 23, 1904, 33 Stat. 302, as amended, or the Act of February 25, 1920, 41 Stat. 452, as amended.
4. "Alternate Value" means, as applied to the consensual agreements provided for by Article III.G.3, the quantity of water allowed under a claim decreed by the Montana Water Court or water right granted by the DNRC.

5. "Appropriation Right" means a right to appropriate water issued by the Water Management Board pursuant to the terms of this Compact and the Law of Administration.
6. "Arising Under State Law" means, as applied to a water right, a water right created under Montana law or a water right held by a nonmember of the Tribes on land not held in trust by the United States for the Tribes or a Tribal member and for which a claim was required to be filed in the Montana general stream adjudication.
7. "Basin 76D" means the hydrologic Basin 76D, including the Kootenai River and its tributaries, as shown in Appendix 1.
8. "Basin 76E" means the hydrologic Basin 76E, including Rock Creek and its tributaries, as shown in Appendix 1.
9. "Basin 76F" means the hydrologic Basin 76F, including the Blackfoot River and its tributaries, as shown in Appendix 1.
10. "Basin 76G" means the hydrologic Basin 76G, including the Clark Fork River above the Blackfoot River, and its tributaries, as shown in Appendix 1.
11. "Basin 76GJ" means the hydrologic Basin 76GJ, including Flint Creek and its tributaries, as shown in Appendix 1.
12. "Basin 76H" means the hydrologic Basin 76H, including the Bitterroot River and its tributaries, as shown in Appendix 1.
13. "Basin 76I" means the hydrologic Basin 76I, including the Middle Fork of the Flathead River and its tributaries, as shown in Appendix 1.
14. "Basin 76J" means the hydrologic Basin 76J, including the South Fork of the Flathead River and its tributaries, as shown in Appendix 1.
15. "Basin 76K" means the hydrologic Basin 76K, including the Swan River and its tributaries, as shown in Appendix 1.
16. "Basin 76L" means the hydrologic Basin 76L, including the Flathead River below Flathead Lake, and its tributaries, as shown in Appendix 1.
17. "Basin 76LJ" means the hydrologic Basin 76LJ, including the Flathead River to and including Flathead Lake, and its tributaries, as shown in Appendix 1.

18. "Basin 76M" means the hydrologic Basin 76M, including the Clark Fork River between the Blackfoot River and the Flathead River, and its tributaries, as shown in Appendix 1.
19. "Basin 76N" means the hydrologic Basin 76N, including the Clark Fork River below the Flathead River, and its tributaries, as shown in Appendix 1.
20. "Call" means the right of the holder of a water right with a senior priority date and an immediate need for a use of water to require a holder of a water right with a junior priority date to refrain from appropriating water otherwise physically available until the senior water right is satisfied.
21. "cfs" means cubic feet per second.
22. "Change in Use" means an authorized change in the point of diversion, the place of use, the period of use, the purpose of use, or the place of storage of an Appropriation Right issued by the Water Management Board under this Compact and the Law of Administration, or of an Existing Use. A changed water right retains the original priority date of that right.
23. "Compact" means this water rights settlement entered into by the Confederated Salish and Kootenai Tribes, the State and the United States.
24. "Compact Implementation Technical Team" or "CITT" means the entity established by this Compact to plan and advise the Project Operator on the implementation of FIIP Operational Improvements, Rehabilitation and Betterment, and Adaptive Management. The CITT duties and responsibilities are defined in more detail in Appendix 3.5.
25. "Compact Management Committee" or "CMC" means the entity described in Article IV.G.5 formed to provide policy and administrative oversight of the CITT.
26. "Court of Competent Jurisdiction" means a State or Tribal court that otherwise has jurisdiction over the matter so long as the parties to the dispute to be submitted to that court consent to its exercise of jurisdiction, but if no such court exists, a Federal court.
27. "DNRC" means the Montana Department of Natural Resources and Conservation, or any successor agency.
28. "Effective Date" means the date on which the Compact is finally approved by the Tribes, by the State, and by the United States, and on which the Law of Administration has been enacted and taken effect as the law of the State and the Tribes, whichever date is latest.

29. "Existing Use" means a use of water under color of Tribal, State or Federal law in existence as of the Effective Date, including uses in existence on that date that are eligible for either of the registration processes set forth in the Law of Administration; provided that any portion of a Water Right Arising Under State Law within the Reservation that is, at any point after the date the ratification of the Compact by the Montana Legislature takes effect under State law, voluntarily relinquished or is legally determined to be abandoned, relinquished, or have otherwise ceased to exist, shall be stricken from the relevant basin decree as a Water Right Arising Under State Law and be entitled to no further protection as such a right or as an Existing Use.
30. "Flathead Indian Irrigation Project" or "FIIP" means the irrigation project developed by the United States to irrigate lands within the Reservation pursuant to the Act of April 23, 1904, Public Law 58-159, 33 Stat. 302 (1904), and the Act of May 29, 1908, Public Law 60-156, 35 Stat. 441 (1908), and includes, but is not limited to, all lands, reservoirs, easements, rights-of-way, canals, ditches, laterals, or any other FIIP facilities (whether situated on or off the Reservation), headgates, pipelines, pumps, buildings, heavy equipment, vehicles, supplies, records or copies of records and all other physical, tangible objects, whether of real or personal property, used in the management and operation of the FIIP.
31. "FIIP Influence Area" means the lands influenced by the operations of the FIIP as identified on the map attached hereto as Appendix 2.
32. "FIIP Water Use Right" means the water right set forth in Article III.C.1.a that is dedicated to use by the FIIP and FIIP irrigators and includes uses of water for irrigation and Incidental Purposes allowed by the FIIP through water service contracts. This water right is the source for the entitlement to delivery of available irrigation water for assessed parcels as provided by Article IV.D.2.
33. "Flathead Indian Reservation" or "Reservation" means all land within the exterior boundaries of the Indian Reservation established under the July 16, 1855 Treaty of Hellgate (12 Stat. 975), notwithstanding the issuance of any patent, and including rights-of-way running through the Reservation.
34. "Flathead Reservation Water Management Board," "Water Management Board," or "Board" means the entity established by this Compact and the Law of Administration to administer the use of all water rights on the Reservation upon the Effective Date.
35. "Flathead System Compact Water" means that portion of the Tribal Water Right consisting of 229,383 Acre-feet per year that the Tribes may withdraw from the Flathead River or Flathead Lake, which includes up to 90,000 Acre-feet per year stored in Hungry Horse Reservoir, with a maximum total volume consumed of 128,158 Acre-feet per year.

36. "Historic Farm Deliveries" means the aggregate annual volume of water for irrigation and Incidental Purposes on the FIIP that was delivered to all farm turnouts within an individual River Diversion Allowance Area prior to the date the ratification of the Compact by the Montana Legislature takes effect under State law. Historic Farm Deliveries include historic crop consumption and estimated standard rates of on-farm conveyance and irrigation application inefficiencies and are used to evaluate RDA values pursuant to Article IV.D.1.e. Historic Farm Delivery volumes are specified in Appendix 3.3.
37. "Groundwater" means any water that is beneath the surface of the earth.
38. "High Mountain Lakes" means those lakes shown in Appendix 17.
39. "Hungry Horse Dam" means the dam that is a part of the Hungry Horse Project.
40. "Hungry Horse Project" means that project authorized by the Act of June 5, 1944 (58 Stat. 270, Public Law 78-329) to be constructed and operated by the US Bureau of Reclamation. The Act of May 29, 1958 (Public Law 85-428) amended the authorizing act to make Hungry Horse a Reclamation project subject to Reclamation laws.
41. "Hungry Horse Reservoir" means the reservoir that is a part of the Hungry Horse Project.
42. "Incidental Purpose(s)" means water delivered through or diverted from FIIP facilities for purposes incidental to irrigation, including but not limited to Rehabilitation and Betterment, and lawn and garden purposes allowed by the FIIP through water service contracts.
43. "Individual Indian Owner" means a Tribal member and his or her heirs or an Allottee and his or her heirs who is an owner of an interest in trust or restricted lands and who has a documented use of the Tribal Water Right registered pursuant to the terms of this Compact and the Law of Administration.
44. "Instream Flow" means a stream flow retained in a watercourse to benefit the aquatic environment. Instream Flow may include Natural Flow or streamflow affected by regulation, diversion, or other modification. A water right for Instream Flow purposes is quantified for a stream reach and measured for enforcement purposes at a specified point.
45. "Law of Administration" or "Unitary Administration and Management Ordinance" means the body of laws enacted by both the State and the Tribes to provide for the

administration of surface water and Groundwater within the Reservation, that are both materially consistent with the substantive provisions of Appendix 4.

46. "Lease" means, as applied to the Tribal Water Right, an authorization for a Person or Persons to use any part of the Tribal Water Right through a service contract, temporary assignment, or other similar agreement of limited duration.
47. "MFWP" means the Montana Department of Fish, Wildlife, and Parks, or any successor agency.
48. "Minimum Enforceable Instream Flows" or "MEFs" means the schedule of monthly minimum enforceable streamflow levels that are set forth in Appendix 3.1.
49. "Minimum Reservoir Pool Elevations" means the minimum pool water elevations for FIIP reservoirs specified in the table attached hereto as Appendix 3.1 and abstracts of water right attached hereto as Appendix 15.
50. "Natural Flow" means the rate and volume of water movement past a specified point on a natural stream, produced from a drainage area for which there have been no effects caused by diversion, storage, import, export, return flow, or changes in consumptive use.
51. "New Development" means the development of a use of the Tribal Water Right set forth in the Compact, from any source, commencing after the Effective Date, and encompasses all uses of the Tribal Water Right not included within the definition of Existing Use.
52. "Operational Improvements" means practices that improve the ability of the Project Operator to plan for and manage water storage and allocation between Instream Flows and FIIP Water Use Rights. Operational Improvements address water supply planning, reservoir management, Instream Flow management, water accounting and reporting, Stock Water delivery, irrigation wastewater, measurement at diversion works, water measurement at farm delivery locations, and water measurement at irrigation wasteways. Operational Improvements are set forth in the schedule attached hereto as Appendix 3.4.
53. "Parties" means the Tribes, the State, and the United States.
54. "Person" means an individual or any other entity, public or private, including the Tribes, the State, and the United States, and all officers, agents and departments of each sovereign.
55. "Project Operator" means the entity with the legal authority and responsibility to operate the Flathead Indian Irrigation Project.

56. "Reallocated Water" means the water from that portion of any given FIIP diversion or RDA that is made available through increased efficiency resulting from Rehabilitation and Betterment projects.
57. "Rehabilitation and Betterment" means both irrigation facility upgrades that improve water management and operational control at irrigation diversion works, and irrigation facility upgrades to reduce losses in conveyance of water from irrigation sources of supply to irrigation points of use. Rehabilitation and Betterment actions include, but are not limited to, reconstruction, replacement, and automation at irrigation diversion works; lining of open canals; and placement of open canals in pipe.
58. "River Diversion Allowance" or "RDA" means initially the volume of water identified in Appendix 3.2 and defined for wet, normal and dry Natural Flow years that is necessary to be diverted or pumped to supply the FIIP Water Use Right. As Reallocated Water is made available through Rehabilitation and Betterment, the RDA is the amount defined in Appendix 3.2, reduced by the volume of Reallocated Water made available by a particular Rehabilitation and Betterment project.
59. "River Diversion Allowance Area" or "RDA Area" means geographic divisions of the FIIP to which water is diverted. RDA Areas are depicted in Appendix 3.2.
60. "Secretary" means the Secretary of the United States Department of the Interior, or the Secretary's duly authorized representative.
61. "Shared Shortages" means a water management procedure to be applied when water supply is insufficient to satisfy both MEFs and RDAs simultaneously.
62. "State" means the State of Montana and all officers, agencies, departments and political subdivisions thereof.
63. "Stock Water" means water used for livestock.
64. "Target Instream Flows" or "TIFs" means the schedule of monthly Instream Flow levels, defined for normal and wet Natural Flow years that are identified in Appendix 3.1.
65. "Tribal Council" means the duly elected governing body of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana.
66. "Tribal Natural Resources Department" means the governmental subdivision of the Tribes authorized by Tribal Ordinance No. 78-B, as amended, or any successor agency.

67. "Tribal Water Right" means the water rights of the Confederated Salish and Kootenai Tribes, including any Tribal member or Allottee, the basis of which are federal law, as set forth in Article III.A, Article III.C.1.a through j, Article III.C.1.k.i, Article III.C.1.l.i, Article III.D.1 through 3 and Article III.D.7 and 8. The term "Tribal Water Right" also includes those rights identified in Article III.H that are appurtenant to lands taken into trust by the United States on behalf of the Tribes.
68. "Tribes" means the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, and all officers, agencies, and departments thereof.
69. "United States" means the Federal government and all officers, agencies and departments thereof.
70. "Water Rights Arising Under State Law" means those valid water rights Arising Under State Law existing as of the Effective Date and not subsequently relinquished or abandoned, as those rights are: decreed or to be decreed by the Montana Water Court pursuant to 85-2-234, MCA; permitted by the DNRC; exempted from filing in the Montana general stream adjudication pursuant to 85-2-222, MCA; or excepted from the permitting process pursuant to 85-2-306, MCA.
71. "Wetland" means an area that is inundated or saturated by surface water or Groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

ARTICLE III – WATER RIGHTS OF THE TRIBES

The water rights of the Tribes quantified in Article III are composed of two parts: water rights whose basis is Federal law that are defined and referred to as the Tribal Water Right and those Water Rights Arising Under State Law identified in Article III.C.1.k.ii, III.C.1.l.ii, III.D.4, 5, and 6, and III.H.

- A. Religious or Cultural Uses.** The Tribal Water Right described in this Article III includes all traditional, religious, or cultural uses of water by members of the Confederated Salish and Kootenai Tribes within Montana. Individual exercises of traditional, religious, or cultural uses are exempt from the Registration process contained in the Law of Administration.
- B. Abstracts of Water Right.** Abstracts of water right appended to this Compact are a substantive element of this Compact. The language of the abstracts, including all informational remarks, shall control in the event of any inconsistency between the

Compact and the abstracts of water right; provided however, that the Parties upon written mutual agreement may make technical corrections to the abstracts prior to the Parties submission to the Montana Water Court of the motion for entry of the Proposed Decree identified in Article VII.B. Such modifications are pursuant to, and shall not be deemed an amendment of, this Compact.

C. Basins 76L and 76 LJ and Flathead Indian Irrigation Project Irrigation Water Diversions from Basins 76F and 76N.

1. Quantification.

- a. Flathead Indian Irrigation Project.** The Tribes have the right to water that is supplied to the Flathead Indian Irrigation Project to be used for such purposes in such volumes and flow rates and from such sources of supply as identified in the abstracts of water right attached hereto as Appendix 5. The FIIP will serve up to, but not more than 135,000 acres. The exercise of this portion of the Tribal Water Right shall be satisfied by meeting the RDA values for each RDA Area described in Appendix 3.2 as evaluated pursuant to Article IV.D.1.e, and is subject to Article IV.D through F.

The priority date for the portion of the Tribal Water Right used by the FIIP is July 16, 1855.

b. Existing Uses by the Tribes, their Members and Allottees.

- i.** The Tribal Water Right includes all Existing Uses by the Tribes, their members and Allottees that are not Water Rights Arising Under State Law and are not otherwise specifically quantified in other sections of this Article III.
- ii.** Water Rights Arising Under State Law held by the Tribes, their members and Allottees will be satisfied pursuant to their own terms as finally decreed by the Montana Water Court or permitted by the DNRC.
- iii.** For each Existing Use identified in Article III.C.1.b.i to be valid and enforceable, the Tribes, or each Tribal member or Allottee claiming such an Existing Use, shall complete the process for the registration of uses of the Tribal Water Right set forth in the Law of Administration. Such uses include but are not limited to irrigation, Stock Water, domestic, commercial, municipal and industrial purposes, as well as those historically irrigated allotments that are held for individuals in trust by the

United States that are not served by the FIIP and that are identified on the map and table attached hereto as Appendix 6.

- iv. Uses of the Tribal Water Right for which abstracts are appended to this Compact, including uses on the FIIP, are exempt from the registration requirement set forth in Article III.C.1.b.iii.
- v. The priority date for water uses registered pursuant to Article III.C.1.b.iii and the Law of Administration is July 16, 1855.

- c. **Flathead System Compact Water.** The Tribes have a direct flow water right from the Flathead River with the following elements:

Source of Water: Flathead River, Flathead Lake, and the South Fork of the Flathead River up to Hungry Horse Reservoir

Point of Diversion: From Flathead Lake or the Flathead River, either on or off of the Reservation

Purpose: Any beneficial use

Diversion Volume: 229,383 Acre-feet per year

Depletion Volume: 128,158 Acre-feet per year

Period of Diversion and Depletion: January 1 through December 31

- i. As part of the Tribal Water Right quantified in this Article III.C.1.c, the Tribes shall be entitled to an allocation of 90,000 Acre-feet per year, as measured at the Hungry Horse Dam, of storage water in Hungry Horse Reservoir.
- ii. This water right shall be used in a manner that ensures impacts associated with the exercise of this water right are no greater than those identified in model run: Natural Q + 90K of the United States Bureau of Reclamation's Final Flathead Basin Depletions Study (USBR, October 2012), attached hereto as Appendix 7. In the event that the impacts exceed those identified in model run: Natural Q + 90K of the United States Bureau of Reclamation's Final Flathead Basin Depletions Study, the use of the water right set forth in this Article III.C.1.c shall be reduced in such amounts as are necessary to immediately achieve impacts that are no greater than those identified in model run: Natural Q + 90K of the United States Bureau of Reclamation's Final Flathead Basin Depletions Study.
- iii. The releases of the stored water identified in Article III.C.1.c.i shall be limited in accordance with the "Biological Impact Evaluation and Operational Constraints for a proposed 90,000 Acre-foot withdrawal"

(State of Montana, September 14, 2011) attached hereto as Appendix 8. The Parties upon mutual written agreement, and in conformance with other applicable provisions of law including but not limited to the Endangered Species Act of 1973, 16 U.S.C. 1531, *et seq.* (ESA), may amend the Biological Impact Evaluation Constraints identified in the September 14, 2011 report. Such modifications are pursuant to, and shall not be deemed an amendment of, this Compact.

- iv. The exercise of this water right shall conform with the minimum instream flow schedules, as measured at the USGS gaging station on the Flathead River at Columbia Falls (12363000) and the USGS gaging station on the Flathead River at Polson (12372000) as identified in Tables 3 through 6 of Appendix 7, as well as the minimum flow requirements set forth in Table 5 that must also be met downstream at the USGS gaging station on the Flathead River at Perma (123887000). The exercise of this water right shall also conform to the ramping rates, as measured below Kerr and Hungry Horse Dams, and identified in Tables 3 through 6 of Appendix 7. In the event that the minimum instream flow schedules or ramping rates are not met, the use of the water right set forth in this Article III.C.1.c shall be suspended until such time as those minimum instream flow schedules and ramping rates are achieved. The Parties upon mutual written agreement, and in conformance with applicable ESA and Federal Energy Regulatory Commission licensing requirements for the three previously identified sites, may amend the limitations for releases from Hungry Horse Reservoir that are required to conform with minimum instream flow and ramping rate schedules at these sites. Such modifications are pursuant to, and shall not be deemed an amendment of, this Compact.
- v. The exercise of this water right shall also conform with the Flathead Lake filling criteria identified on page 12 of Appendix 7.
- vi. The Tribes may use any amount of the stored water identified in Article III.C.1.c.i that is not necessary to be released each year pursuant to the provisions of Article III.C.1.c.ii through v, for any beneficial purpose, subject to the terms and conditions of this Compact.
- vii. Use of the 90,000 Acre-feet of water from Hungry Horse Reservoir is subject to the approval of, and any terms and conditions specified by, Congress.
- viii. The priority date for Flathead System Compact Water is July 16, 1855.

- ix. Any development by the Tribes of this Flathead System Compact Water Right outside the boundaries of the Reservation shall be pursuant to Article IV.B.5.c.
- x. The Parties agree that nothing in this Compact precludes the Tribes from leasing Flathead System Compact Water to FIIP irrigators.
- xi. The abstract of water right for this Flathead System Compact Water Right is attached hereto as Appendix 9.

d. Instream Flow Rights on Reservation.

- i. **Natural Instream Flows.** The Tribes have Instream Flow rights in the quantities and locations identified in the abstracts of water right attached hereto as Appendix 10.
- ii. **FIIP Instream Flows.** The Tribes have Instream Flow rights in the quantities and locations identified in the abstracts of water right attached hereto as Appendix 11. The exercise of this portion of the Tribal Water Right is subject to Article IV.C through F.
- iii. **Other Instream Flows.** The Tribes have Instream Flow rights in the quantities and locations identified in the abstracts of water right attached hereto as Appendix 12. The Parties agree that a right identified in Appendix 12 shall only become enforceable on the date that an enforceable flow schedule for that right has been established pursuant to the process set forth in the Law of Administration, Section 2-1-115, for the development of such enforceable schedules.
- iv. **Interim Instream Flows.** Until such time as the Instream Flow water rights set forth in Article III.C.1.d.ii become enforceable pursuant to Article IV.C, the Tribes shall be entitled to enforce the interim Instream Flows contained in Appendix 13 consistent with the provisions in Article IV.C and IV.E. The Tribes and the United States shall enforce these interim Instream Flows pursuant to Appendix 13 or existing practice as of December 31, 2014, and as described in the protocols in Appendix 14.
- v. The priority date for the Instream Flow water rights set forth in this Article III.C.1.d is time immemorial.

e. Minimum Reservoir Pool Elevations in Flathead Indian Irrigation

Project Reservoirs.

- i. The Tribes have the right to water necessary to maintain Minimum Reservoir Pool Elevations for FIIP reservoirs in the quantities and locations set forth in the table and abstracts of water right attached hereto as Appendix 15. The exercise of this portion of the Tribal Water Right is subject to Article IV.C and E and superseding Federal law allowing for regulation of reservoir elevations.
- ii. The Minimum Reservoir Pool Elevations will become enforceable according to the schedule attached hereto as Appendix 3.4.
- iii. The priority date for the water rights set forth in this Article III.C.1.e is July 16, 1855.
- iv. Until such time as the Minimum Reservoir Pool Elevations set forth in Article III.C.1.e become enforceable pursuant to Article IV.C, the Tribes shall be entitled to enforce those interim reservoir pool elevations identified in Appendix 13. The Tribes and the United States shall enforce these interim reservoir pool elevations only pursuant to Appendix 13 or existing practice as of December 31, 2014, and subject to superseding Federal law allowing for regulation of reservoir elevations.

- f. **Wetland Water Right.** The Tribes have the right to all naturally occurring water necessary to maintain the Wetlands identified in the abstracts of water right attached hereto as Appendix 16.

The priority date for the Wetland water rights set forth in this Article III.C.1.f is time immemorial.

- g. **High Mountain Lakes Water Right.** The Tribes have the right to all naturally occurring water necessary to maintain the High Mountain Lakes identified in the abstracts of water right attached hereto as Appendix 17.

The priority date for the High Mountain Lakes water rights set forth in this Article III.C.1.g is time immemorial.

- h. **Flathead Lake.** The Tribes have the right to all naturally occurring water necessary to maintain the level of the entirety of Flathead Lake at an elevation of 2,883 feet as described in the abstract of water right attached hereto as Appendix 18.

The priority date for the Flathead Lake water right set forth in this Article III.C.1.h is time immemorial.

- i. **Boulder Creek Hydroelectric Project.** The Tribes have the right to water necessary to operate the Boulder Creek Hydroelectric Project as identified in the abstracts of water right attached hereto as Appendix 19.

The priority date for the Boulder Creek Hydroelectric Project water right set forth in this Article III.C.1.i is July 16, 1855.

- j. **Hellroaring Hydroelectric Project.** The Tribes have the right to water necessary to operate the Hellroaring Hydroelectric Project as identified in the abstracts of water right attached hereto as Appendix 20.

The priority date for the Hellroaring Hydroelectric Project water right set forth in this Article III.C.1.j is July 16, 1855.

- k. **Wetlands Appurtenant to Lands Owned by Montana Fish Wildlife and Parks.**

- i. The Tribes and Montana Fish Wildlife and Parks (MFWP) have the right to all naturally occurring water necessary to maintain the Wetlands identified in the abstracts of water right attached hereto as Appendix 21.

The priority date for Wetland water rights appurtenant to lands owned by MFWP is time immemorial.

- ii. Upon the Effective Date, the Tribes shall be added as a co-owner with MFWP of water right number 76L 153988-00, the abstract of which is attached hereto as Appendix 22. MFWP shall make reasonable efforts to defend this right in the Montana general stream adjudication. The Tribes have the right but not the duty to participate in the defense of this right in the Montana general stream adjudication.
- iii. The Tribes shall be added in an expeditious manner as a co-owner to any water right with a fish or fish and wildlife purpose that is appurtenant to land acquired by MFWP on the Reservation after the Effective Date.
- iv. The Tribes shall be added in an expeditious manner as a co-owner to any Wetlands water right acquired by MFWP pursuant to the Law of Administration after the Effective Date.

- v. MFWP shall be the sole entity entitled to manage the water rights identified in Article III.C.1.k. The recognition of these co-owned water rights does not confer on the Tribes any authority over the management of the MFWP-owned lands to which these water rights are appurtenant.
- vi. MFWP shall meet and confer with the Tribes on a biennial basis, or on such other timeframe as the Tribes and MFWP may mutually agree, to discuss the exercise of these water rights. Such modifications to the meeting schedule are pursuant to, and shall not be deemed an amendment of, this Compact.

l. Wetlands Appurtenant to Lands Owned by Department of Interior Fish and Wildlife Service.

- i. The Tribes and the Department of the Interior's Fish and Wildlife Service (FWS) have the right to all naturally occurring water necessary to maintain the Wetlands identified in the abstracts of water right attached hereto as Appendix 23.

The priority date for Wetland water rights appurtenant to lands owned by FWS is time immemorial.

- ii. Upon the Effective Date, the Tribes shall be added as a co-owner with FWS of water right numbers 76L 99338 00, 76L 99339 00, and 76L 99340 00, the abstracts of which are attached hereto as Appendix 24. FWS shall make reasonable efforts to defend these rights in the Montana general stream adjudication. The Tribes have the right but not the duty to participate in the defense of these rights in the Montana general stream adjudication.
- iii. The Tribes shall be added in an expeditious manner as a co-owner to any water right with a fish or fish and wildlife purpose that is appurtenant to land acquired by FWS on the Reservation after the Effective Date.
- iv. The Tribes shall be added in an expeditious manner as a co-owner to any Wetlands water right acquired by FWS pursuant to the Law of Administration, after the Effective Date.
- v. FWS shall be the sole entity entitled to manage the water rights identified in this Article III.C.1.l. The recognition of these co-owned water rights does not confer on the Tribes any authority over the management of the FWS-owned lands to which these water rights are appurtenant.

- vi. FWS shall meet and confer with the Tribes on a biennial basis, or on such other timeframe as the Tribes and FWS may mutually agree, to discuss the exercise of these water rights. Such modifications to the meeting schedule are pursuant to, and shall not be deemed an amendment of, this Compact.

D. Instream Flow Water Rights Off of the Reservation.

1. **Mainstem Instream Flow Right in the Kootenai River (Basin 76D).** The Tribes have an Instream Flow water right for the mainstem of the Kootenai River for the reach and with the associated flow rates set forth in the abstract of water right attached hereto as Appendix 25. The measurement point for this water right is USGS streamflow gage #12305000 located at Leonia, Idaho.
 - a. The priority date for this water right is time immemorial.
 - b. The period of use of this water right is January 1 to December 31 of each year.
 - c. The purpose of this water right is for the maintenance and enhancement of fish habitat to benefit the instream fishery. This right shall not be changed to any other or additional purpose, changed to consumptive use, or transferred to different ownership.
 - d. The point of diversion and place of use for this water right is instream. This water right shall not be exercised in conjunction with any artificial diversion.
 - e. The ability to enforce this right shall be suspended so long as Libby Dam remains in existence and the Army Corps of Engineers' operations of that dam are conducted consistently with the 2008 Federal Columbia River Power System Biological Opinion, the 2010 updated Biological Opinion, and the 2014 Supplemental Federal Columbia River Power System Biological Opinion, specifically as described in Reasonable and Prudent Alternative Action (RPA) No. 4 (Storage Project Operations), Table No. 1 (Libby Dam), including the Northwest Power and Conservation Council's 2003 mainstem amendments to the Columbia River Basin Fish and Wildlife Program, or any subsequent Biological Opinion(s) governing the same RPAs and Operations.
 - f. In the event of changes to the U.S. Army Corps of Engineers' (Corps) responsibilities under the ESA, such as the delisting of resident and anadromous fish species, that no longer require the Corps to operate Libby Dam pursuant to ESA section 7 biological opinions or other substantive ESA requirements, the United States, acting through the Corps, the Tribes, and the

State shall establish written protocols and understandings on meeting and enforcing the Tribes' mainstem Instream Flow right in the Kootenai River while also ensuring that the Corps' operations of Libby Dam meet all Federal statutory and regulatory requirements and obligations. Provided however, that any such enforcement protocol shall not alter the limitations on Call set forth in Article III.D.1.g. The establishment of such protocols and understandings are pursuant to, and shall not be deemed an amendment of, this Compact.

- g. Should the suspension on enforcement set forth in Article III.D.1.e be lifted due to the removal of Libby Dam, this water right may be exercised to make a Call only against junior users whose point of diversion is from the mainstem of the Kootenai River and not its tributaries, the purpose of whose rights is irrigation and whose source of supply is surface water, or against junior users the purpose of whose rights is irrigation, whose source of supply is Groundwater that is connected to the mainstem of the Kootenai River, and whose flow rate is greater than 100 gallons per minute.
- h. Call may be made only when the average daily flow drops below the enforceable level for the previous 24-hour period.

2. Mainstem Instream Flow Right in the Swan River (Basin 76K). The Tribes have an Instream Flow water right for the reach of the mainstem of the Swan River with the associated flow rates set forth in the abstract of water right attached hereto as Appendix 26. The measurement point for this water right is USGS streamflow gage #12370000 located immediately below Swan Lake near Big Fork, Montana.

- a. The priority date for this water right is time immemorial.
- b. The period of use of this water right is January 1 to December 31 of each year.
- c. The purpose of this water right is for the maintenance and enhancement of fish habitat to benefit the instream fishery. This right shall not be changed to any other or additional purpose, changed to consumptive use, or transferred to different ownership.
- d. The point of diversion and place of use for this water right is instream. This water right shall not be exercised in conjunction with any artificial diversion.
- e. The Tribes, and/or the United States on behalf of the Tribes, shall be entitled to make a Call to enforce this water right only against junior users the purpose of whose rights is irrigation and whose source of supply is surface water, or against junior users the purpose of whose rights is irrigation, whose source of

supply is Groundwater connected to surface sources in Basin 76K and whose flow rate is greater than 100 gallons per minute.

- f. Call may be made only when the average daily flow drops below the enforceable level for the previous 24-hour period.

3. Mainstem Instream Flow Right in the Lower Clark Fork River (Basins 76M and 76N). The Tribes have a 5000 cfs Instream Flow water right for the reach of the mainstem of the Clark Fork River as set forth in the abstract of water right attached hereto as Appendix 27. The measurement point for this water right is USGS streamflow gage #12391950 located immediately below Cabinet Gorge Dam in Idaho.

- a. The priority date for this water right is time immemorial.
- b. The period of use of this water right is January 1 to December 31 of each year.
- c. The purpose of this water right is for the maintenance and enhancement of fish habitat to benefit the instream fishery. This right shall not be changed to any other or additional purpose, changed to consumptive use, or transferred to different ownership.
- d. The point of diversion and place of use for this water right is instream. This water right shall not be exercised in conjunction with any artificial diversion.
- e. The Tribes, and/or the United States on behalf of the Tribes, shall be entitled to make a Call to enforce this water right only against junior users whose point of diversion is from the mainstem of the Clark Fork River and not its tributaries, the purpose of whose rights is irrigation and whose source of supply is surface water, or against junior users the purpose of whose rights is irrigation, whose source of supply is Groundwater connected to the mainstem of the Clark Fork River and whose flow rate is greater than 100 gallons per minute.
- f. Call may be made only when the average daily flow drops below the enforceable level for the previous 24-hour period.
- g. For so long as the Cabinet Gorge and Noxon Dams remain in existence, the enforceable level of this right is a flow rate equal to the lesser of 5000 cfs or the minimum flow level established by the FERC as a condition on the license for the Cabinet Gorge and Noxon Dams as that license condition may be modified over time.

4. Co-ownership of Instream and Public Recreation Water Rights Held by MFWP.

- a. Upon the Effective Date, the Tribes shall be added as a co-owner with MFWP of the Water Rights Arising Under State Law held by MFWP for Instream Flow and recreation purposes that are identified on the tables attached hereto as Appendix 28 and Appendix 29. Nothing in this co-ownership changes any of the other elements of these Water Rights Arising Under State Law, including their priority dates or flow rates.
 - i. The Water Rights Arising Under State Law identified in Appendix 28 shall be included as part of the proposed decree to be filed with the Montana Water Court pursuant to Article VII.B.1.
 - ii. The Water Rights Arising Under State Law identified in Appendix 29 shall proceed through the Montana general stream adjudication as though they were not included in this Compact. MFWP shall make reasonable efforts to defend each of these rights identified in Appendix 29 in the Montana general stream adjudication. The Tribes have the right but not the duty to participate in the defense of these rights in the Montana general stream adjudication.
- b. As co-owners, the Tribes and MFWP shall meet and confer on a biennial basis, or on such other timeframe as the Tribes and MFWP may mutually agree, to discuss the exercise of the rights identified in Article III.D.4.a, with a goal of establishing a joint plan for the exercise of these rights. Notwithstanding this planning process, the Tribes and MFWP each retain(s) the unilateral right to exercise each water right identified in Article III.D.4.a as each deem(s) appropriate, but neither the Tribes nor MFWP has any affirmative duty to take any particular action in regard to the exercise of any of these rights.

5. Co-ownership of Water Right Number 76M 94404-00 (Milltown Dam) in Basin 76G (Upper Clark Fork).

- a. Upon the date the ratification of this Compact by the Montana Legislature becomes effective under State law, Water Right Arising Under State Law number 76M 94404-00 is changed as follows: the right is split into two separate active and enforceable Water Rights Arising Under State Law, 76M 94404-01 and 76M 94404-02, and the original water right elements are changed to support the maintenance and enhancement of fish habitat and take

the form of two enforceable hydrographs. The elements of the changed and split water right are set forth in the two water rights abstracts attached hereto as Appendix 30. The measurement point for 76M 94404-01 is the USGS gage #12334550 at Turah, Montana, and the measurement point for 76M 94404-02 is the USGS gage #1234000 at Bonner, Montana.

- i. The period of use of these water rights is January 1 to December 31 of each year.
 - ii. The point of diversion and place of use for these water rights is instream.
 - iii. These water rights shall not be exercised in conjunction with any artificial diversion.
 - iv. MFWP, and the Tribes after they become co-owners, and subject to the limitation on enforcement set forth in Article III.D.5.c, shall be entitled to make a Call to enforce these water rights only against junior users the purpose of whose rights is irrigation and whose source of supply is surface water, or against junior users the purpose of whose rights is irrigation, whose source of supply is Groundwater and whose flow rate is greater than 100 gallons per minute.
 - v. The enforceable levels of these water rights are identified in the table attached hereto as Appendix 31. The minimum enforceable level of this right is 700 cfs at the location of USGS gage #1234000 at Bonner, and 500 cfs at the location of USGS gage #12334550 at Turah.
 - vi. Call may be initiated on the day following a five-consecutive-day-period in which four out of five average daily river flows fall below their respective daily enforceable hydrograph values. Call may persist until such time as two average daily flows of the previous five-consecutive-day-period are in excess of their respective enforceable hydrograph values.
- b. Upon the Effective Date, the Tribes shall be a co-owner with MFWP of these water rights. As co-owners, the Tribes and MFWP shall meet and confer on a biennial basis, or on such other timeframe as the Tribes and MFWP may mutually agree to, regarding the exercise of these rights, with a goal of establishing a joint plan for the exercise of these rights. The establishment of such a plan is pursuant to, and shall not be deemed an amendment of, this Compact. Notwithstanding this planning process, the Tribes and MFWP each retains the unilateral right to exercise these water rights as each deems

appropriate, but neither the Tribes nor MFWP has any affirmative duty to take any particular action in regard to the exercise of these rights.

- c. The ability to enforce these rights shall be suspended for a period of 10 years from the date the ratification of this Compact by the Montana Legislature becomes effective under State law. During and after this period, the Tribes and MFWP shall engage with other stakeholders in the Upper Clark Fork Basin on water management subjects including, but not limited to, drought planning and the exercise of these water rights in conjunction with the other water rights in the Upper Clark Fork Basin.
- d. For any analysis of the legal availability of water in the Upper Clark Fork Basin, these rights shall be considered to have a combined year-round flow rate of 2,000 cfs as measured at the location of USGS gauge #12340500 below the confluence of the Blackfoot and Clark Fork Rivers.
- e. No owner of these water rights, acting independently or jointly, shall be entitled to lease, sell or change the purpose of these water rights.
- f. The Water Rights Arising Under State Law identified in this Article III.D.5 shall be finally decreed as part of the decree of this Compact that will be proposed to the Montana Water Court pursuant to Article VII.B.1.

6. Contract Rights to Stored Water Held by MFWP in Basin 76H (Bitterroot).

- a. MFWP is a party to two contracts for the delivery of stored water from Painted Rocks Reservoir: MFWP Water Purchase Contract Painted Rocks, between MFWP and DNRC, July 12, 2004 (attached hereto as Appendix 32); and Water Purchase Contract, March 5, 1958, as amended on March 5, 1958 (attached hereto as Appendix 33). In the event that MFWP obtains an ownership interest in any water rights pursuant to these contracts or obtains an ownership interest in any water rights pursuant to any future contract for the delivery of water from Painted Rocks Reservoir, MFWP shall expeditiously take all steps necessary to add the Tribes as a co-owner of said water rights.
- b. MFWP is a party to a contract for the delivery of stored water from Lake Como: Agreement Between the Bitterroot Irrigation District and the United States Department of the Interior, Bureau of Reclamation for the Operation of the Enlarged Storage Pool at Lake Como, July, 1994 (attached hereto as Appendix 34). In the event that MFWP obtains an ownership interest in any water rights pursuant to this contract, or obtains an ownership interest in any water rights pursuant to any future contract for delivery of water from Lake

Como, MFWP shall expeditiously take all steps necessary to add the Tribes as a co-owner of said water rights.

- c. MFWP shall manage the Painted Rocks and Como contract rights, in a prudent, biologically based and environmentally sound manner, and within the terms and conditions of these contracts. MFWP will manage in the same manner any future contracts for the delivery of water from Painted Rocks or Lake Como to which MFWP becomes a party. The Tribes are an intended beneficiary of MFWP's management of these contracts, and have the right to challenge MFWP's management decisions in a Court of Competent Jurisdiction.
- d. MFWP shall meet and confer with the Tribes on a biennial basis, or on such other timeframe as the Tribes and MFWP may mutually agree to, regarding the management of these contract rights. Such modifications to the meeting schedule are pursuant to, and shall not be deemed an amendment of, this Compact. If the Tribes become co-owners of any water right pursuant to this Article III.D.6 of the Compact, the Tribes and MFWP shall each retain the independent right to exercise each water right as each deems appropriate. Neither the Tribes nor MFWP has any affirmative duty to take any particular action in regard to the exercise of any of such rights. The Tribes do not assume any liability arising out of or resulting from any of the contracts identified in this Article III.D.6 pertaining to co-ownership of rights to stored water in Basin 76H.

7. Instream Flow Right on the North Fork of Placid Creek (Basin 76F). The Tribes have an Instream Flow water right for the upper reach of the North Fork of Placid Creek with the associated flow rates set forth in the abstract of water right attached hereto as Appendix 35. The measurement point for this water right shall be within the main channel of the North Fork of Placid Creek, below the North Fork Placid Creek FIIP Diversion located within the SE ¼ of the NW ¼ of the SE ¼ of Section 29 in Township 17 North Range 16 West.

- a. The priority date for this water right is time immemorial.
- b. The period of use of this water right is January 1 to December 31 of each year.
- c. The purpose of this water right is for the maintenance and enhancement of fish habitat to benefit the instream fishery. This right shall not be changed to any other or additional purpose, changed to consumptive use, or transferred to different ownership.

- d. The point of diversion and place of use for this water right is instream. This water right shall not be exercised in conjunction with any artificial diversion.
 - e. The Tribes, and/or the United States on behalf of the Tribes, shall be entitled to make a Call to enforce this water right only against junior users the purpose of whose rights is irrigation and whose source of supply is surface water of Placid Creek, or against junior users the purpose of whose rights is irrigation, whose source of supply is Groundwater connected to Placid Creek and whose flow rate is greater than 100 gallons per minute.
 - f. Call may be made only when the average daily flow drops below the enforceable level for the previous 24-hour period.
- 8. Instream Flow Rights on Kootenai River Tributaries (Basin 76D).** The Tribes have Instream Flow water rights for the reaches of the Kootenai River tributaries Big Creek, Boulder Creek, Steep Creek and Sutton Creek, with the associated flow rates set forth in the abstracts of water right attached hereto as Appendix 36.
- a. The priority date for this water right is time immemorial.
 - b. The period of use of this water right is January 1 to December 31 of each year.
 - c. The purpose of this water right is for the maintenance and enhancement of fish habitat to benefit the instream fishery. This right shall not be changed to any other or additional purpose, changed to consumptive use, or transferred to different ownership.
 - d. The point of diversion and place of use for this water right is instream. This water right shall not be exercised in conjunction with any artificial diversion.
 - e. Water rights held by the United States Forest Service pursuant to the United States Forest Service-Montana Water Rights Compact, 85-20-1401, MCA, shall not be subject to Call by the Tribes and/or the United States on behalf of the Tribes.
 - f. The recognition of the Instream Flow water rights in this Article III.D.8 does not confer on the Tribes any authority over the management of National Forest System lands within Basin 76D, or any claim to ownership or other rights in that land. With the exception of future diversionary uses by the United States on National Forest System lands in excess of the Forest Service's reserved rights identified in Article III.D.8.e, the Tribes hold the

United States harmless for delivery of water or maintenance of flows to meet this Instream Flow water right in Basin 76D.

E. Period of Use. The period of use of the Tribal Water Right set forth in this Article III shall be January 1 to December 31 of each year, provided however, that any portion of that water right that is dedicated to seasonal use, including irrigation use, shall have a period of use as set forth in the abstracts attached hereto as Appendix 5 or as set forth in the registration of such right pursuant to the Law of Administration, as applicable.

F. Points and Means of Diversion. The points and means of diversion for use of the Tribal Water Right set forth in this Article III are as set forth in the abstracts of water rights attached to this Compact or as may be provided for under the Law of Administration.

G. Call Protection.

1. Non-Irrigators. The Tribes, on behalf of themselves and the users of any portion of the Tribal Water Right set forth in this Compact, and the United States agree to relinquish their right to exercise the Tribal Water Right to make a Call against any Water Right Arising Under State Law whose purpose(s) do(es) not include irrigation.

2. Groundwater Irrigators with Flow Rates Less Than or Equal to 100 Gallons Per Minute. The Tribes, on behalf of themselves and the users of any portion of the Tribal Water Right set forth in this Compact and the United States agree to relinquish their right to exercise the Tribal Water Right to make a Call against any Water Right Arising Under State Law whose purpose is irrigation and whose source of supply is Groundwater and whose flow rate is less than or equal to 100 gallons per minute.

3. Irrigators Within the FIIP Influence Area.

- a. The Tribes, the United States, and the Project Operator, agree to relinquish their right to exercise the Tribal Water Right to make a Call against that portion of any Water Right Arising Under State Law identified in Article III.G.3.b that is equal to the quantity of water established as the annual FIIP quota for the current irrigation season, or an equivalent farm delivery amount within the FIIP as implemented by the Project Operator within the applicable RDA Area, or the quantity allowed under a claim decreed by the Montana Water Court or water right granted by the DNRC (an Alternate Value), whichever is less, whose owner enters into a consensual agreement as described in this Article III.G.3.

- b. Water Rights Arising Under State Law whose owners are eligible to enter into consensual agreements as described in this Article III.G.3 are those rights:
 - i. whose purpose is irrigation;
 - ii. whose point(s) of diversion or place(s) of use are within the FIIP Influence Area; and
 - iii. whose source of supply is surface water; or
 - iv. whose source of supply is Groundwater and whose flow rate is greater than 100 gallons per minute.
- c. The Tribes, the United States, and the Project Operator, agree to enter into the consensual agreement described in this Article III.G.3 with every owner of a Water Right Arising Under State Law described in Article III.G.3.b who wishes to enter into such an agreement. The following conditions shall apply to any such consensual agreement:
 - i. the owner of a Water Right Arising Under State Law that meets the criteria described in Article III.G.3.b shall measure all diversions, report the measured amount of those diversions to the Project Operator, agree to divert no more water each year than the lesser of the quantity established as the annual FIIP quota or an Alternate Value, and shall not expand water use beyond the terms of the agreement;
 - ii. the owner of a Water Right Arising Under State Law does not acquire any entitlement to any delivery or diversion of water from the FIIP, whether the water is stored or run of the river, by entering into a consensual agreement as described in this Article III.G.3;
 - iii. irrigation use pursuant to any Water Right Arising Under State Law whose owner enters into a consensual agreement as set forth in this Article III.G.3 shall be limited to the irrigation season identified annually by the FIIP and to such period of use limitation as may apply to FIIP irrigators;
 - iv. the method and frequency of measurement of the diversion must be described and occur at a reasonable level of accuracy and frequency to demonstrate that the diversion does not exceed the lesser of the annual FIIP quota for a given irrigation season or an Alternate Value, and;

- v. the agreement is permanent and is binding on the heirs and assigns of the owner of each Water Right Arising Under State Law who enters into such agreement.
- d. The entering into a consensual agreement as set forth in this subsection (3) does not relieve the owner of any claim to a Water Right Arising Under State Law that is at issue in the Montana general stream adjudication from the obligation of prosecuting that water right claim through the Montana general stream adjudication.
- e. If a consensual agreement is entered into among the Tribes, United States, the Project Operator and the owner of a Water Right Arising Under State Law described in Article III.G.3.b prior to the issuance of the final decree for Montana Water Court Basin 76L and 76 LJ, as applicable, that agreement shall terminate as a matter of law if the claimed Water Right is terminated as a result of proceedings conducted in the Montana general stream adjudication.
- f. If a consensual agreement is entered into among the Tribes, the United States, the Project Operator, and the owner of a Water Right Arising Under State Law described in Article III.G.3.b prior to the issuance of the final decree for Montana Water Court Basin 76L and 76 LJ, as applicable, and such owner has a claim in the Montana general stream adjudication that is ultimately decreed a quantity of water for that claim less than the quantity established in the agreement, the consensual agreement shall protect only the lesser amount of water.
- g. If the owner of a Water Right Arising Under State Law described in Article III.G.3.b ceases to use that portion of that water right in excess of the lesser of the annual FIIP quota for a given irrigation season, or an Alternate Value, pursuant to a consensual agreement as set forth in Article III.G.3:
 - i. that nonuse does not represent an intent by the owner of that water right to wholly or partially abandon that water right or to not comply with the terms and conditions of that right; and
 - ii. the period of nonuse may not create or may not be added to any previous period of nonuse to create a presumption of abandonment.
- h. Any use of a Water Right Arising Under State Law subject to a consensual agreement described in this Article III.G.3 exceeding the volume of water specified in the consensual agreement shall be subject to Call by the Tribes, the United States, or the Project Operator for that amount of water in excess of

the terms of the consensual agreement.

- i. A Person who has both an entitlement to the delivery of water from the FIIP and a Water Right Arising Under State Law to serve the same acreage may only protect from Call, by entering into a consensual agreement pursuant to this Article III.G.3, a total quantity of water equal to the lesser of the annual FIIP quota for a given irrigation season, or an Alternate Value, for each acre served, irrespective of whether the water applied to each acre is pursuant to that Person's FIIP delivery right or that Person's Water Right Arising Under State Law.

4. Water Rights Upstream of the Reservation (Basins 76I, 76J, and 76LJ). The Tribes, on behalf of themselves and the users of any portion of the Tribal Water Right set forth in this Compact, and the United States agree to relinquish their right to exercise the Tribal Water Right to make a Call against any water right located upstream of the Flathead Reservation in Basins 76I, 76J, and 76LJ, except for those Water Rights Arising Under State Law:

- a. Whose purpose is irrigation and whose source of supply is surface water, and whose point of diversion is:
 - i. the mainstem of the Flathead River, including Flathead Lake;
 - ii. the North Fork of the Flathead River;
 - iii. the Middle Fork of the Flathead River; or
 - iv. the South Fork of the Flathead River.
- b. Whose purpose is irrigation, whose source of supply is Groundwater connected to one of the sources identified in Article III.G.4.a, and whose flow rate is greater than 100 gallons per minute.
- c. The Tribes and the United States agree that the Tribal Water Right recognized in the Compact may not be exercised to make Call against any Water Right Arising Under State Law upstream of the Flathead Reservation and located on a tributary to the Flathead River not identified in Article III.G.4.a.

5. Water Rights on the Little Bitterroot River Outside the Reservation (Basin 76L). The Tribes, on behalf of themselves and the users of any portion of the Tribal Water Right set forth in this Compact, and the United States agree to relinquish their right to

exercise the Tribal Water Right to make a Call against any Water Right Arising Under State Law whose point of diversion is outside the Flathead Reservation and whose source of supply is the Little Bitterroot River or its tributaries.

6. Any Water Right Arising Under State Law the purpose of which is irrigation and that is susceptible to Call by the Tribes pursuant to Article III.D.1.g, III.D.2.e, III.D.3.e, III.D.5.a.iv, III.D.7.e, III.G.4.a, or III.G.4.b whose purpose is changed after the Effective Date to something other than irrigation shall remain susceptible to Call pursuant to the terms and conditions of this Compact as though the purpose of the Water Right Arising Under State Law was still irrigation.

H. Water Rights Arising Under State Law Appurtenant to Lands Acquired by the Tribes. For lands acquired by the Tribes within the Reservation, the Tribes have the right to any Water Right Arising Under State Law acquired as an appurtenance to the land. Starting upon the Effective Date of the Compact, the Tribes may file a Trust Transfer form with the Board for any lands acquired by the Tribes with appurtenant Water Rights Arising Under State Law that have been taken into trust by the United States on behalf of the Tribes, as provided in the Law of Administration and the water right appurtenant to the land shall be transferred to the Tribal Water Right quantified in this Compact with a priority date of July 16, 1855, provided that the Tribes shall continue to use the acquired water right as it was historically used or may change the use of the acquired water right pursuant to the provisions for change of use set forth in Article IV.B.4 and the Law of Administration. Such transfer does not shield the underlying right from abandonment based on acts or omissions of the holder of that water right prior to its acquisition by the Tribes.

ARTICLE IV – IMPLEMENTATION OF COMPACT

A. Trust Status of Tribal Water Right. The Tribal Water Right shall be held in trust by the United States for the benefit of the Tribes, their members and Allottees.

B. Use of Tribal Water Right.

1. **Persons Entitled to Use the Tribal Water Right.** The Tribal Water Right may be used by the Tribes, their members, Allottees, or their lessees or assigns. FIIP customers who have assessed land within the FIIP who are in compliance with the applicable BIA rules and guidelines are entitled to have delivered an equitable share of the FIIP Water Use Right as provided by Article IV.D.2.

2. **Effect of Non-Use of the Tribal Water Right.** Non-use of all or any portion of the Tribal Water Right described in Article III shall not constitute a relinquishment, forfeiture, or abandonment of such right.

3. **Review of Registration of Existing Uses of the Tribal Water Right.**

- a. Within five (5) years after the Effective Date, the Board shall provide the DNRC with a report, in a form materially consistent with that of abstracts of water rights decreed by the Montana Water Court, of the Tribal Water Right registered pursuant to the Law of Administration as being in existence as of the Effective Date.
- b. Within six (6) months after receipt of the report, the DNRC must agree, agree in part, or disagree with the report. If the DNRC takes no action by the end of the six-month period after the report is received, the report shall be deemed accepted. If the DNRC agrees in part or disagrees with the report, the State, the Tribes, and the United States shall meet within ninety (90) days of issuance of the DNRC's notice of disagreement in an effort to resolve the issue(s) giving rise to the disagreement. If, after meeting and conferring, the State, the Tribes, and the United States are still unable to come to agreement on the list of Existing Uses, all disagreements over the contents of the list must be brought to the Water Management Board for resolution of the dispute under Article IV.I.4.c within 180 days of the issuance of the DNRC's notice of disagreement.

4. **Changes in Use of the Tribal Water Right.**

Any user of a portion of the Tribal Water Right who proposes a change of such use must seek authorization to change the use of that portion of the right. Such applications for authorization to change a use shall be heard and decided by the Board pursuant to Article IV.I.4.b of the Compact and the Law of Administration, provided that the Board may not consider any change application of Flathead System Compact Water unless the applicant has secured the written consent of the Tribal Council to apply for a Change in Use authorization.

5. **New Development of the Tribal Water Right.**

- a. The Tribes, or any Person with authorization from the Tribes, may develop a new use of the Tribal Water Right on the Reservation after the Effective Date. Such development may only proceed upon the issuance of an Appropriation Right for the New Development by the Board pursuant to Article IV.I.4.a and the Law of Administration.

- iii. The Tribes may make or authorize a Lease of the Tribal Water Right for use within or outside the Reservation; provided that, any Lease shall be for a term not to exceed 99 years, and may include provisions authorizing renewal for an additional term not to exceed 99 years. The off-Reservation use of any portion of the Tribal Water Right is limited to a place of use within the Flathead or Clark Fork River Basins in Montana.
- iv. If the Lease is for a portion of the Tribes' Flathead System Compact Water right to be delivered wholly from water stored in Hungry Horse Reservoir, the Tribes shall provide notice to the DNRC and the Water Management Board, in advance of the effective date of the Lease, of the terms of the Lease and any modifications thereto or termination thereof. For Leases lasting one irrigation season or less, notice to the DNRC and the Water Management Board shall be provided as far in advance as practicable. For Leases lasting longer than one year, notice shall be provided to the DNRC and the Water Management Board by the later of 120 days prior to the date on which the Lease is to take effect or March 31 of the year in which the Lease is to take effect. The point of delivery for a Lease shall be the outlet works at the Hungry Horse Dam. If disputes arise between or among holders of Water Rights Arising Under State Law as to the reasonable transmission and carriage losses from the point of delivery to the place of use of the Lease, the district court pursuant to its powers and duties under Title 85, Chapter 5, MCA, shall calculate such losses.
- v. Any Lease or portion of a Lease to be delivered from water stored in Hungry Horse Reservoir is subject to reduction due to conditions defined in Appendix 8 on a pro rata basis as set forth in Article III.C.1.c.iii.
- vi. If the Lease is for the off-Reservation use of a portion of the Tribes' Flathead System Compact Water right to be delivered from a combination of stored water and direct flow water from the Flathead River, or exclusively from direct flow water from the Flathead River, the Lease shall be treated as a change in use as it pertains to the use of the direct flow water. The DNRC shall process each change application pursuant to the provisions of 85-2-302, 307-310 and 314, MCA. Prior to the lessee putting leased water to beneficial use, the Tribes or the lessee must comply with the following provisions of State law as those provisions read on December 31, 2014:

1. Subsections (1) through (3) and (8) through (17) of 85-2-402, MCA;
 2. Subsections (1) through (8) of 85-2-407, MCA, provided, however, that the term of any such Lease may be for up to 99 years, and the DNRC may approve the renewal of such a Lease for a period of up to 99 years; and
 3. 85-2-408, MCA, as limited by the provisions of Article IV.B.6.c.vi.1.
- vii. In the event that, after the date the ratification of the Compact by the Montana Legislature takes effect under State law, the Montana Legislature substantively amends or repeals any of the sections identified in Article IV.B.6.c.vi.1 through 3, the Tribes and the DNRC shall meet no later than 60 days after the effective date of the State legislative action amending or repealing to determine if they can agree whether the provisions set forth in Article IV.B.6.c.vi.1 through 3 or the new provisions of State law shall govern the process for off-Reservation Leases under this Compact. In the event that the Tribes and the DNRC are unable to agree, the provisions of Article IV.B.6.c.vi.1 through 3 shall remain in effect. Any agreed upon modifications are pursuant to, and shall not be deemed an amendment of, this Compact.
- viii. The Tribes or any Person using diversion works or facilities for the transportation of water located off the Reservation in connection with a use of the Flathead System Compact Water Right shall apply for and obtain all permits, certificates, variances and other authorizations required by State laws regulating, conditioning or permitting the siting, construction, operation, alteration or use of any equipment, device, or facility proposed to use or transport water, prior to exercising a use of the Flathead System Compact Water Right off the Reservation.
- 7. Lease of 11,000 Acre-Feet per Year of Water From Hungry Horse Reservoir for Off-Reservation Mitigation.**
- a. The Tribes shall make available for Lease off the Reservation 11,000 Acre-feet of the water identified in Article III.C.1.c.i stored in Hungry Horse Reservoir pursuant to the process, and subject to the terms and conditions, set forth in this Article IV.B.7.
 - b. The water identified in Article IV.B.7.a shall be available for the mitigation of net depletions arising from new or existing domestic, commercial, municipal and/or industrial uses of water at any point in the Flathead or Clark Fork

Basins in Montana for which the 11,000 Acre-feet per year of water is capable of providing mitigation.

- c. The DNRC, under Title 85, MCA, shall retain the responsibility for determining if, when, where, and how much mitigation water is needed for any proposed new development and if the water identified in Article IV.B.7.a meets the appropriate mitigation criteria for any proposed mitigation plan.
- d. The water identified in Article IV.B.7.a is subject to reduction due to conditions defined in Appendix 8 on a pro rata basis as set forth in Article III.C.1.c.iii.
- e. The mechanism for entering into a Lease for any portion of the water set forth in this Article IV.B.7.a shall be as follows:
 - i. Any interested Person may approach the Tribes, through the Tribal Lands Department or successor Tribal department, to negotiate a Lease of a portion of this water;
 - ii. The baseline annual per Acre-foot price for this water shall be set at \$40 as of July 1, 2015. From that date, the baseline price shall be indexed for inflation and consequently adjusted annually on July 1st of each year thereafter (the Adjustment Date) by the percentage change over the previous year in the most recent monthly Consumer Price Index for All Urban Consumers (CPI-U) published by the United States Department of Labor, Bureau of Labor Statistics, or such other index as the Parties may agree. The initial price for each Lease of any portion of the 11,000 Acre-feet identified in this Article IV.B.7 entered into during that year shall be the adjusted baseline price. During the term of any given Lease, the price per Acre-foot shall continue to adjust annually on the Adjustment Date by the percentage change in the CPI-U, or such other index as the Parties may agree to use, of the previous twelve-month period. The foregoing provisions regarding the adjusted baseline price shall constitute the sole and exclusive price term of each Lease;
 - iii. Each Lease between the Tribes and a lessee shall be for a term of 99 years, with the lessee holding an option to renew for an additional 99 years, unless the Tribes and the lessee affirmatively agree on an alternate duration not to exceed 99 years. Any Lease including a term of alternate duration may also include an option to renew for a term not to exceed 99 years; and

- iv. The Tribes and each prospective lessee shall negotiate any and all other non-price terms of the Lease arrangement.
- f. In the event of an impasse between the Tribes and a prospective lessee over any non-price term, the prospective lessee may file a notice of impasse with the Water Management Board, invoking the Board's authority to resolve any such impasse pursuant to the process set forth in Article IV.B.7.g.
- g. Process for resolving disputes over Lease terms.**
 - i. Upon receipt of a notice of impasse, the Board shall date stamp it. Within three days of the filing of a notice of impasse, the Board shall provide notice of the filing to the Tribes, with a copy to the prospective lessee, identifying a date certain between 30 and 60 days from the date of receipt of the notice for the Tribes and the prospective lessee each to submit a last, best offer concerning all of the non-price terms.
 - ii. No later than the date set by the Board, the Tribes and the prospective lessee shall file a last, best offer with the Board in the form of a proposed Lease agreement and shall serve the same on each other. To be filed, the offer must be placed in the custody of the Board within the time fixed for filing. Filing may be accomplished by mail addressed to the Board, but filing shall not be timely unless the papers are actually received within the time fixed for filing. Immediately upon receipt by the Board, the offers shall be date stamped. If the Tribes fail to timely file an offer, the offer filed by the prospective lessee shall become the terms of the Lease. If the prospective lessee fails to timely file an offer, no Lease shall be concluded.
 - iii. The Board shall issue a decision selecting one side's offer or the other's between 15 and 45 days after the filing of the offer. At any time prior to the Board's decision, the prospective lessee may choose to withdraw the prospective lessee's offer and decline to enter into the Lease.
 - iv. The Board shall provide notice of its decision to both the Tribes and the prospective lessee. The Lease shall be concluded on the terms selected by the Board, but must include the price term identified in Article IV.B.7.e.ii of this Compact. The effective date of the Lease shall be ten days after the Board's issuance of its decision.
 - v. The Tribes or a prospective lessee dissatisfied with a decision of the Board made pursuant to this Article IV.B.7.g may appeal that decision by filing a

petition for judicial review with a Court of Competent Jurisdiction within 30 days of the issuance of the Board's decision. The court shall review the Board's decision for abuse of discretion.

C. Exercise of Certain Portions of the Tribal Water Right Related to the FIIP.

1. Priority for the Exercise of the FIIP Instream Flow and FIIP Water Use Rights. Once the water rights described in Article III.C become enforceable, the following relative priorities among those rights shall apply:

- a. Minimum Enforceable Instream Flows.
- b. Minimum Reservoir Pool Elevations.
- c. River Diversion Allowances.
- d. Target Instream Flows.

2. Reallocated Water in excess of Target Instream Flows will be split as equally as hydrologically practicable between the Instream Flow water rights set forth in Article III.C.1.d.ii and the FIIP Water Use Right set forth in Article III.C.1.a.

3. MEF and TIF implementation and schedule. Exercise of FIIP Instream Flow Rights set forth in Article III.C.1.d.ii shall be accomplished through the implementation and enforcement of MEFs and TIFs and is subject to the Shared Shortage and Adaptive Management provisions set forth in Article IV.E and F and Appendix 3.5.

- a. MEFs and TIFs shall be enforceable at the values set forth in Appendix 3.1.
- b. Implementation and enforceability of MEFs and TIFs.
 - i. Incremental implementation of Operational Improvements will result in additional FIIP Instream Flow.
 - ii. MEFs and TIFs shall be enforceable following the completion of Operational Improvements according to the schedule attached hereto as Appendix 3.4.
 - iii. Reallocated Water from Rehabilitation and Betterment Projects shall be used to incrementally achieve FIIP Instream Flows set forth in Article III.C.1.d.ii.

- iv. If the schedule attached hereto as Appendix 3.4 cannot be met due to lack of available funding or other circumstances outside of the control of the Parties or Project Operator, the Parties may agree to adjust the schedule as necessary to allow for timely implementation of MEFs and TIFs. Such modifications are pursuant to, and shall not be deemed an amendment of, this Compact.
 - v. If the Project Operator fails to implement the schedule attached hereto as Appendix 3.4 due to acts, errors, or omissions of the Project Operator, MEFs and TIFs will be enforceable as though the schedule had been implemented.
 - c. Until an MEF has become enforceable, the interim Instream Flow, where applicable, for that location shall be the enforceable Instream Flow. Where the Instream Flow has been incrementally increased above the interim Instream Flow level as a result of the partial completion of actions listed in the Implementation Schedule attached hereto as Appendix 3.4, the incrementally achieved level may be maintained until the MEF is achieved.
 - d. Until a Minimum Reservoir Pool Elevation has become enforceable, the interim reservoir pool elevation, where applicable, for that location shall be enforced.
 - e. TIFs shall be determined seasonally according to Appendix 3.5, and will vary between the wet and normal year levels attached hereto as Appendix 3.1.
4. **Minimum Reservoir Pool Elevations.** Minimum Reservoir Pool Elevations attached hereto as Appendix 3.1 shall be enforceable according to the schedule specified in Appendix 3.4. Enforceability of Minimum Reservoir Pool Elevations is subject to Article IV.E, Appendix 3.5, and superseding Federal law allowing for regulation of reservoir elevations.

D. Exercise of the FIIP Water Use Right.

1. FIIP Water Use Right.

- a. The FIIP Water Use Right shall be satisfied by meeting the RDA values for each RDA Area attached hereto as Appendix 3.2 and as evaluated pursuant to Article IV.D.1.e.

- b. RDAs shall be enforceable according to the schedule attached hereto as Appendix 3.4, subject to evaluation pursuant to Article IV.D.1.e.
- c. Headworks diversion amounts shall be progressively adjusted to achieve the RDAs as Operational Improvements are completed pursuant to Appendix 3.4.
- d. Once RDAs are achieved through completion of Operational Improvements, headworks diversion amounts shall be progressively adjusted as Rehabilitation and Betterment is completed pursuant to Appendix 3.6. The enforceable RDA for the location in which a particular Rehabilitation and Betterment project has been completed is the amount defined in Appendix 3.2, reduced by the volume of Reallocated Water made available by that Rehabilitation and Betterment project. The amount actually diverted may be adjusted pursuant to the evaluation process described in Article IV.D.1.e.
- e. RDA values shall be evaluated to ensure their adequacy to meet Historic Farm Deliveries. Initial evaluation of RDAs shall occur once the Parties and Project Operator have completed all Operational Improvements in a given RDA Area according to the schedule attached hereto as Appendix 3.4. Evaluation of RDAs will continue as part of the responsibilities of the CITT described in Appendix 3.5 as follows:
 - i. The Project Operator must measure and record farm turnout deliveries within a given RDA Area.
 - ii. If the aggregate measured deliveries to farm turnouts do not meet Historic Farm Deliveries for a given RDA Area, actual diversions shall be adjusted to assure that Historic Farm Deliveries are met for wet, normal and dry water years. If water in excess of the RDA is needed to meet Historic Farm Deliveries, it will be provided through an increase of the Flathead River pumping plant diversion allowed by the Flathead Pumping Station RDA attached hereto as Appendix 3.2. If the aggregate measured deliveries to farm turnouts exceed Historic Farm Deliveries within an RDA Area, the actual diversions shall be reduced accordingly.
 - iii. Any adjustment of actual diversions pursuant to this section shall not result in decrease of the MEFs, TIFs, or Minimum Reservoir Pool Elevations.

- f. RDAs are quantified for wet, normal, and dry Natural Flow years, attached hereto as Appendix 3.2, and shall be set each year according to the process specified in Appendix 3.5.

2. **FIIP Delivery Entitlement Statement.** Assessed land within the FIIP is entitled to have water delivered by the Project Operator if the FIIP customer is in compliance with the applicable BIA rules and guidelines for FIIP. Beginning on the Effective Date, an owner of assessed land within the FIIP may request of the Project Operator a delivery entitlement statement, which must be tendered within 90 days of the request or denied for cause. Beginning on the date one year after the Effective Date, the delivery entitlement statement must be tendered or denied within 30 days. The delivery entitlement runs with the land and is valid so long as the land remains assessed and the FIIP customer is in compliance with the applicable BIA rules and guidelines for FIIP.

E. Shared Shortages Provision.

1. In the event that water supplies are inadequate to simultaneously satisfy an enforceable Instream Flow water right and a corresponding RDA, the provisions of Article IV.E govern the exercise of the water rights set forth in Articles III.C.1.a and III.C.1.d.ii and iv at that location. The CITT shall determine when Shared Shortages conditions begin and end as specified in Appendix 3.5.
2. For purposes of Article IV.E, once MEFs and RDAs have become enforceable, they shall be maintained at the levels set forth in Appendices 3.1 and 3.2, as adjusted pursuant to Article IV.D.1.e. Prior to enforceability of the MEF and RDA levels attached hereto as Appendices 3.1 and 3.2, Instream Flows will be maintained as provided by Article IV.C.3.c and RDAs will be maintained as provided by Article IV.D.1.b and c.
3. Subject to the priority system set forth in Article IV.C.1, RDAs shall be maintained by implementing the following measures in the order of priority set forth below:
 - a. Available Natural Flow or regulated streamflow shall be diverted by the Project Operator to satisfy RDAs.
 - b. If the application of Article IV.E.3.a does not satisfy RDAs, Flathead River pumping plant diversions shall be increased as allowed by the Flathead Pumping Station RDA attached hereto as Appendix 3.2.

- c. If the application of Article IV.E.3.a and b does not satisfy RDAs, FIIP reservoirs may be reduced below the Minimum Reservoir Pool Elevations specified in Appendix 3.1 to supply RDAs, subject to Article IV.E.5.
 - d. If the application of Article IV.E.3.a through c does not satisfy RDAs, the Tribes shall make available for short-term lease Flathead System Compact Water for use within the FIIP as provided by Article IV.B.6.c.ii.
- 4. Within the Basin 76LJ portion of the Little Bitterroot Valley, RDAs shall be maintained by sequentially applying the procedures in Article IV.E.3.a through c, where applicable.
- 5. As set forth in Article IV.E.3.c, FIIP reservoirs may be reduced below the Minimum Reservoir Pool Elevations set forth in Article III.C.1.e to support RDAs as follows:
 - a. FIIP reservoirs may be reduced pursuant to this section for no more than four consecutive years.
 - b. Article IV.E.3.c does not apply to Mission Reservoir.
 - c. FIIP reservoirs may not be reduced below the interim reservoir pool elevations set forth in Article III.C.1.e.iv and attached hereto as Appendix 13.
 - d. RDAs may be met from carryover reservoir storage, at the discretion of the Project Operator.

F. Requirement to Implement Adaptive Management and Water Measurement.

- 1. The Parties agree that Adaptive Management and a comprehensive water measurement program, as described in Appendix 3.5, are essential to the successful implementation of this Compact.
- 2. The Parties, upon mutual written agreement, and in conformance with the Compact and other applicable provisions of law, may amend Appendix 3.5. Such modifications are pursuant to, and shall not be deemed an amendment of, this Compact.

G. Compact Implementation Technical Team.

Within six months of the date the ratification of the Compact by the Montana Legislature takes effect under State law, the Parties shall establish a Compact Implementation Technical Team (CITT) to allow planning for and implementation of Operational Improvements, Rehabilitation and Betterment, and Adaptive Management prior to and following the

Effective Date.

1. The CITT membership shall be as provided for in Appendix 3.5.
2. The CITT shall carry out the duties specified by Appendix 3.5.
3. The CITT shall develop criteria for prioritizing and selecting projects.
4. Public Meetings and Records:
 - a. All regularly scheduled meetings of the CITT shall be open to the observation of the general public pursuant to State and Tribal open meeting laws. Where there is a conflict of laws, the law that provides for greater openness to the public applies.
 - b. CITT records are public records and shall be made available to the public for inspection under such reasonable terms and conditions as the CITT shall establish.
5. Disputes Related to the Compact Implementation Technical Team. The Parties agree to perform each obligation set forth in this Compact in good faith and with diligence and loyalty to this agreement. The Parties shall form a Compact Management Committee (CMC) comprised of the Director of the Montana Department of Natural Resources, the Chairman of the CSKT Tribal Council, and the Regional Director of the Northwest Region of the Bureau of Indian Affairs or their designees. The CMC will provide policy and administrative oversight of the CITT.
 - a. The CITT shall attempt to reach consensus on all of its actions.
 - b. Where consensus is not achieved, the CITT will resolve disputed issues by majority vote.
 - c. If the CITT vote results in a tie, or is appealed, the disputed issue will be referred to the CMC. The CMC will review and attempt to reach consensus on the disputed issue and if consensus is not possible, will resolve the issue by majority vote.
 - d. A majority vote of the CMC may be appealed using the following procedures:
 - i. Disputes arising out of any act, failure to act, error or omission of the BIA or Project Operator involving Operational Improvements or Rehabilitation and Betterment or otherwise affecting real property

owned by the United States may be appealed under Title 25, Part 2, Code of Federal Regulations.

- ii. For disputes raising questions of Compact interpretation, the CMC shall immediately seek a determination of those questions from the Water Management Board, which determination will be provided in writing within 30 days.
- iii. All other disputes may be appealed to a Court of Competent Jurisdiction. In considering a petition for relief, a Court of Competent Jurisdiction will review the CMC's legal conclusions for correctness and its factual findings for abuse of discretion.

H. Power Provisions

1. Low-Cost Block of Power

The Parties recognize that Article 40 of the Kerr Project License, as amended, jointly issued to the Montana Power Company and the Tribes for the Kerr Project, Project No. 5, requires Montana Power Company, through its successor-in-interest, NorthWestern Energy, to make available the capacity and energy up to 3.734 megawatts at up to 100 percent load factor during the months of April through October to the United States, for and on behalf of the FIIP, at the rates set forth in and adjusted in accordance with such Article.

The Parties agree that the Kerr Project License Article 40 Low Cost Block of Power is equivalent to the delivery of 19,178,000 kilowatt hours of electricity per year, and generally supplies electricity necessary to pump approximately 46,000 Acre-feet of water per year to the FIIP. If the operation and maintenance, and all other rights and responsibilities for the Kerr Project are assumed by the Tribes or their wholly-owned corporation, the Tribes agree, to the extent permitted under applicable license(s) and Federal law, to make the Low Cost Block of Power available in the same manner and at the same rates, as adjusted, as NorthWestern Energy. If the Tribes seek a new license for the Kerr Project, the Tribes or their wholly-owned corporation, agree that their license application will request authority from FERC to make the Low Cost Block of Power available in the same manner and at the same rates, as adjusted, as NorthWestern Energy.

2. Net Power in Excess of Low Cost Block

For purposes of Article IV.E, power required to run the Flathead Pumping Station in excess of the Low Cost Block of Power identified in Article IV.H.1 shall be purchased at the price at which Mission Valley Power sells power for irrigation purposes.

3. Net Power Revenues

The State and Tribes agree to seek provisions in the Federal legislation ratifying this Compact for Mission Valley Power to budget annually for an anticipated amount of \$200,000 of Net Power Revenues to be made available in the subsequent year to meet the needs of both the power system and the FIIP with an initial allocation of the Net Power Revenue that provides fifty percent to the Project Operator and fifty percent to the Tribes. These funds shall only be used for work on the FIIP that has significant fisheries, water conservation, or water management benefits. If on an annual basis such work by the Project Operator or the Tribes does not require the full amount of such net revenues the remainder shall be set aside and accumulated for future expenditure for these purposes. This initial allocation may be changed by mutual agreement of the Parties within nine (9) years of the Effective Date, with any subsequent agreement to become effective on the tenth (10th) anniversary of the Effective Date. Any such modification is pursuant to, and shall not be deemed an amendment of, this Compact.

I. Administration: Establishment of Flathead Reservation Water Management Board.

1. Establishment of Board. There is hereby established the Flathead Reservation Water Management Board. Upon the Effective Date, the Board shall be the exclusive regulatory body on the Reservation for the issuance of Appropriation Rights and authorizations for Changes in Use of Appropriation Rights and Existing Uses, and for the administration and enforcement of all Appropriation Rights and Existing Uses. The Board shall also have exclusive jurisdiction to resolve any controversy over the meaning and interpretation of the Compact on the Reservation, and any controversy over the right to the use of water as between the Parties or between or among holders of Appropriation Rights and Existing Uses on the Reservation except as explicitly provided otherwise in Article IV.G.5. The jurisdiction of this Board does not extend to any water rights whose place of use is located outside the exterior boundaries of the Reservation.

2. Membership.

a. Voting Members. The Board shall consist of five voting members: two members selected by the Governor of the State pursuant to Article IV.I.2.b, after consultation with holders of Water Rights Arising Under State Law located on the Reservation; two members appointed by the Tribal Council; and one member selected by the other four members. All members shall be appointed within six months of the Effective Date.

- b. Appointment by Governor.** Within 90 days of the Effective Date, or 15 days of any vacancy in one or more of the Board positions selected by the Governor, the commissioners of each county whose boundaries include any portion of the Reservation shall nominate individuals for the Governor's consideration for appointment to the Board as follows:
- i. The Commissioners of Lake County shall choose five (5) nominees;
 - ii. The Commissioners of Sanders County shall choose three (3) nominees;
 - iii. The Commissioners of Missoula County shall choose two (2) nominees;
 - iv. The Commissioners of Flathead County shall choose one (1) nominee;
and
 - v. Each nominee must meet the eligibility requirements of Article IV.I.2.f.

The Governor shall choose two Board members from the group of nominees. If the county commissioners fail to nominate a minimum of seven (7) individuals for selection by the Governor within the time set forth in Article IV.I.2.b, the Governor may select any two individual(s) who meet the eligibility requirements set forth in Article IV.I.2.f after consultation with Holders of Water Rights Arising Under State Law located on the Reservation.

- c.** Should the four appointed members fail to agree on the selection of a fifth voting member within sixty days of the date of appointment of the fourth member, or within thirty days after any vacancy in that fifth position occurs, the following procedure shall be utilized:
- i. Within five days thereafter the two members appointed by the Tribal Council shall nominate three individuals to serve as a member of the Board and the two members appointed by the Governor shall nominate three individuals to serve as a member of the Board;
 - ii. Within fifteen days thereafter the two members appointed by the Tribal Council shall reject two of the individuals nominated by the two members appointed by the Governor, and the two members appointed by the Governor shall reject two of the individuals nominated by the two members appointed by the Tribal Council; and

iii. Within five days thereafter, the remaining two nominees shall be submitted to the Chief Judge of the United States District Court for the District of Montana for selection of the fifth member of the Board.

- d. **Ex Officio Member.** The Board shall also have a sixth, non-voting member appointed by the Secretary.
- e. **Term.** Initially, three voting members of the Board shall serve for four years, and two shall serve for two years. One member appointed by the Governor, one member appointed by the Tribal Council and the fifth voting member shall serve for four years. One member appointed by the Governor and one member appointed by the Tribal Council shall serve for two years. The member appointed by the Secretary shall be appointed for four years. At the expiration of the initial two-year appointments, all subsequently appointed Board members shall serve four year terms.
- f. **Eligibility.** To be eligible to serve on the Board, an individual must be over 18 years of age and be a Reservation resident. For the purposes of filling a position on the Water Management Board, a Reservation resident is an individual who:
- i. does business within Flathead Indian Reservation boundaries;
 - ii. is domiciled within Flathead Indian Reservation boundaries; or
 - iii. owns and maintains a seasonal residence within Flathead Indian Reservation boundaries.

An eligible individual must also have education and experience in one or more of the following fields: natural resources management, public administration, agriculture, engineering, commerce or finance, hydrology, biological sciences, water law or water policy.

No elected official of the State of Montana, or any political subdivision thereof, or of the United States, or of the Tribes is eligible for nomination to the Board while holding such elective office. However, a nominee for Board membership shall not be disqualified by reason of the fact that he or she is an employee or contractor of the State of Montana or any political subdivision thereof, or of the Tribes, or of the United States.

No Board member may vote on any application or appeal that the member participated in personally and substantially in any non-Board capacity.

g. Vacancies. Subject to the provisions of Article IV.I.2.a and c regarding the filling of a vacancy of the fifth member of the Board, upon the occurrence of any other vacancy in a Board position, the Tribal Council, if the vacancy is in a position appointed by the Tribal Council, or the Governor, if the vacancy is in a position appointed by the Governor, shall name a new Board member within 30 days of the occurrence of the vacancy. Should Board action be required during the period of any such vacancy, the Department Head of the Tribal Natural Resources Department, if the vacancy is in a position appointed by the Tribal Council, or the Director of the DNRC, if the vacancy is in a position appointed by the Governor, shall fill the vacant position on an acting basis until a new appointment is made.

h. Compensation and Expenses of the Board. Each Board member shall receive such compensation for services and reimbursement for expenses for attendance at Board meetings as shall be fixed by the State and the Tribal Council for the Board members appointed by the same. The compensation for the fifth Board member shall be set jointly by the State and the Tribal Council. The expenses of the Federal *ex officio* member shall be covered by the United States.

3. Quorum and Vote Required. Four Board members appointed pursuant to Article IV.I.2.a shall constitute a quorum. No Board action may be voted upon in the absence of a quorum. All Board decisions shall be by affirmative vote of a majority of the Board, except as set forth in Article IV.I.5.d for the appointment of water commissioners. If a proposal put to a vote of a quorum of Board members ends in a tie vote, the proposal is deemed disapproved or denied.

4. Jurisdiction of the Board.

a. Issuance of Appropriation Rights. Upon the Effective Date, the Board shall have exclusive jurisdiction over the issuance of all new Appropriation Rights on the Reservation. The process for the consideration, issuance or denial of all Appropriation Rights is set forth in the Law of Administration.

b. Authorizations for Changes in Use. Upon the Effective Date, the Board shall have exclusive jurisdiction over the issuance of authorizations for Changes in Use of all water rights on the Reservation. The process for the consideration, issuance or denial of such Change in Use authorizations is set forth in the Law of Administration.

c. Enforcement. Upon the Effective Date, the Board shall have the jurisdiction

to enforce the terms of this Compact as provided by Article IV.I.1. All controversies cognizable under this subsection shall be heard and resolved pursuant to the Compact and the Law of Administration.

- d. **Water Right Ownership Updates.** The Board shall not have jurisdiction over water right ownership updates on water rights appurtenant to fee lands, which shall remain with the DNRC as set forth in 85-2-421 through -424, 85-2-426, and 85-2-431, MCA.

5. Powers and Duties.

- a. **In General.** The Board shall have the power to promulgate procedures, prescribe forms, develop additional materials and implement amendments thereto as may be necessary and proper to exercise its jurisdiction and carry out its assigned functions under this Compact and the Law of Administration. A set of forms for initial use by the Board in the implementation of the Law of Administration is attached hereto as Appendix 37. The Board may amend these forms at its discretion. Such modifications are pursuant to, and shall not be deemed an amendment of, this Compact.
- b. **Hearings.** Pursuant to the procedures set forth in the Law of Administration, the Board shall hold hearings upon notice in proceedings before it and shall have the power to administer oaths, take evidence and issue subpoenas to compel attendance of witnesses or production of documents or other evidence, and to appoint technical experts. The Tribes and the State shall enforce the Board's subpoenas in the same manner as prescribed by the laws of the Tribes and the State for enforcing a subpoena issued by the courts of each respective sovereign in a civil action. The Persons involved in the controversy may present evidence and cross-examine any witnesses. The Board shall cause all hearings to be recorded, and shall determine the controversy and grant any declaratory or injunctive relief allowed by the Law of Administration, including a temporary order. The Board shall not have power to award money damages, attorneys' fees or costs; however it shall have the power to impose fines pursuant to the terms of the Law of Administration and award any kind of equitable relief. All decisions of the Board shall be in writing, and, together with a written justification for the decision and any dissenting opinions, shall be served personally or by certified mail on all Persons involved in the proceeding before the Board. All records of the Board shall be open to public inspection.
- c. **Employment of Water Engineer.** The Board shall have the authority to employ a Water Engineer to carry out such functions as assigned by the Board

pursuant to the Law of Administration, including the supervision of any water commissioners appointed by the Board. As set forth in the Law of Administration, the Engineer shall hold hearings upon notice in proceedings before the Engineer and shall have the power to administer oaths, take evidence and issue subpoenas to compel attendance of witnesses or production of documents or other evidence, and to appoint technical experts. The Tribes and the State shall enforce the Engineer's subpoenas in the same manner as prescribed by the laws of the Tribes and the State for enforcing a subpoena issued by the courts of each respective sovereign in a civil action. The Persons involved in the controversy may present evidence and cross examine any witnesses. The Engineer shall cause all hearings to be recorded, and shall determine the controversy and grant any relief allowed by the Law of Administration, including a temporary order. All decisions of the Engineer shall be in writing, and, together with a written justification for the decision, shall be served personally or by certified mail on all Persons involved in the proceeding before the Engineer. All records of the Engineer shall be open to public inspection.

d. Appointment of Water Commissioner(s)

- i. The Board shall have the authority, upon a unanimous vote of all five members of the Board, to appoint one or more commissioners to provide day-to-day administration of water on the Reservation. The compensation for any such commissioner and the identification of the Person(s) responsible for paying costs associated with the appointment of any such commissioner must also be established by a unanimous vote of all five members of the Board as part of the Board action appointing any such commissioner. Any commissioner appointed shall act under the supervision of the Water Engineer.
- ii. Under the jurisdiction of the Board, and as set forth in the Law of Administration, the commissioner(s) shall have the authority to administer and distribute water only on the Reservation. The authority of any commissioner(s) appointed pursuant to this subsection, as it pertains to portions of the Tribal Water Right used within the FIIP, extends only to the delivery of water to FIIP diversion facilities and shall not extend to the administration of that water in FIIP facilities or on lands served by the FIIP, which shall remain subject to the authority of the Project Operator.

6. Review and Enforcement of Board Decisions.

- a. Decisions by the Board shall be effective immediately, unless stayed by the Board. Persons involved in the proceedings before the Board may appeal any final decision by the Board to a Court of Competent Jurisdiction within thirty days of such decision. An appeal of a final decision of the Board shall be styled as a petition for judicial review of an agency decision pursuant to the rules of procedure of the court from which review is sought. The petition for judicial review shall be filed with the Board and the court and served upon all Persons involved in the proceeding before the Board, as well as the Tribes, the State and the United States. Service shall be accomplished according to the requirements of the court's rules of procedure.
- b. Unless a petition is filed within thirty days of a final decision of the Board, as provided in Article IV.I.6.a, any decision of the Board shall be recognized and enforced by any court with personal and subject matter jurisdiction over the matter on petition by any Person, or a successor in interest, before the Board in the proceeding in which the decision was made.
- c. A Court of Competent Jurisdiction in which a timely petition is filed pursuant to Article IV.I.6.a, or any court with personal and subject matter jurisdiction over the matter in which a petition to confirm or enforce is filed pursuant to Article IV.I.6.b, may order such temporary or permanent relief as it considers just and proper subject to the limited waivers of immunity set forth in Article IV.I.8.
- d. An appeal may be taken from any decision of the court in which a timely appeal is filed pursuant to Article IV.I.6.a, or in which a petition to confirm or enforce is filed pursuant to Article IV.I.6.b, in the manner and to the same extent as from orders or judgments of the court in a civil action.
- e. In any petition to confirm or enforce the Board's decision, the Board shall file with the court to which appeal is taken the record of the proceedings before the Board within the time and in the manner provided by the court's rules of procedure.
- f. The appellate court shall conduct the review on the record made before the Board. In considering the petition, the Board's legal conclusions shall be reviewed for correctness and its factual findings for abuse of discretion.
- g. In the event that a court determines that it lacks subject matter or personal jurisdiction to rule on a petition for judicial review of a Board decision, the party filing the petition shall be entitled to petition for judicial review from

any other Court of Competent Jurisdiction within thirty days from the date of a final court order finding a lack of jurisdiction.

7. Public Meetings and Records

- a. Notwithstanding any other provisions of law, the Board is a public agency for purposes of the applicability of State and Tribal right to know laws.
- b. All regular and special meetings of the Board, including all hearings conducted by the Office of the Engineer or the Board, shall be open to the observation of the general public pursuant to State and Tribal open meeting laws. Where there is a conflict of laws, the law that provides for greater openness to the public applies.
- c. Where no more specific notice provisions are set forth in the Law of Administration, notice of any meeting, including an agenda, shall be provided to the public in a manner and timeframe consistent with the criteria set forth in State and Tribal law. Where there is a conflict of laws, the law that provides for earlier notice shall apply.
- d. The Board shall keep the following records:
 - i. minutes of all meetings;
 - ii. recordings of all hearings conducted by the Board or the Office of the Engineer;
 - iii. all documents filed with or generated by the Board or the Office of the Engineer;
 - iv. any other records required by applicable provisions of Federal, State or Tribal law, provided that if there is a conflict of laws, the law that provides for more expansive record retention shall apply.
- e. All Board records are public records and shall be made available to the public for inspection under such reasonable terms and conditions as the Board shall establish.

- 8. Waiver of Immunity.** The Tribes and the State hereby waive their respective immunities from suit, including any defense the State shall have under the Eleventh Amendment of the Constitution of the United States, in order to permit the resolution of disputes under the Compact by the Board, and the appeal or judicial enforcement

of Board decisions as provided herein, except that such waivers of sovereign immunity by the Tribes or the State shall not extend to any action for money damages, costs, or attorneys' fees. The Parties recognize that only Congress can waive the immunity of the United States and that the participation of the United States in the proceedings of the Board shall be governed by Federal law, including 43 U.S.C. § 666.

J. Amendments to the Law of Administration. The Board may not amend the Law of Administration. No amendment by the Tribes or the State of the Law of Administration shall be effective unless and until the other makes an analogous amendment. Such modifications are pursuant to, and shall not be deemed an amendment of, this Compact.

K. Water Rights Database. The Board shall cause all Appropriation Rights and Changes in Use authorized by the Board and all uses of water registered pursuant to the Law of Administration to be entered into the DNRC water rights database in a format agreed to by the Board and the DNRC.

ARTICLE V – DISCLAIMERS AND RESERVATION OF RIGHTS

A. No Effect on Water Rights of Other Tribes or on other Federal Reserved Water Rights.

1. Except as otherwise provided herein, the relationship between the Tribal Water Right described herein and any water rights of any other Indian tribe or its members, or of any federally-derived water right of an individual outside the boundaries of the Flathead Indian Reservation, or of the United States in its own right or on behalf of such other tribes or individuals, shall be determined by the rule of priority.
2. Nothing in this Compact shall be construed or interpreted as a precedent to establish the nature, extent, or manner of administration of the rights to water of any other Indian tribe, its members or Indian owners of trust land outside of the Flathead Indian Reservation.
3. Nothing in this Compact is intended, nor shall it be used, to affect or abrogate a right or claim of an Indian tribe other than the Confederated Salish and Kootenai Tribes.
4. Except as provided herein and authorized by Congress, nothing in this Compact shall be construed or interpreted to establish the nature, extent, or manner of administration of rights to water of the United States on Federal lands outside of the Flathead Indian Reservation.

B. General Disclaimers.

Nothing in this Compact shall be construed or interpreted:

1. To preclude the Tribes, Tribal members, and Allottees, or the United States, from applying to the Water Management Board for an Appropriation Right under the Law of Administration on the same basis as any other Person;
2. As a precedent for litigation of aboriginal or reserved water rights;
3. As precedent for interpretation or administration of future compacts between the United States and the State, or between the United States and any other state, or between the State and any other state;
4. As precedent for negotiation, interpretation or administration of any existing or future Compact, negotiated settlement, judicial settlement or other form of accommodation of water rights involving Indian tribes or individual Indians;
5. To preclude the possession, acquisition or exercise of Water Rights Arising Under State Law by the Tribes or Allottees or members of the Tribes;
6. To limit in any way the right of the Parties or any other Person to litigate any issue or question not resolved by this Compact;
7. To authorize the taking of any water right that is vested under State, Tribal or Federal law;
8. To affect the ability of tribes or qualified individuals under Title 25, Sections 151.4 and 151.8, Code of Federal Regulations, to purchase land from willing sellers or the Secretary's ability to convert fee land to trust land status;
9. To create or deny substantive rights through headings or captions used in this Compact;
10. To address or prejudge how the Tribal Water Right may be treated or interpreted in any interstate or international water apportionment proceeding;
11. To constitute a waiver of sovereign immunity by the Tribes or the State except as expressly set forth in this Compact;
12. To constitute a waiver of sovereign immunity by the United States except as expressly set forth in 43 U.S.C. 666 or as otherwise provided by Congress;

13. Except as expressly provided herein and as may be required by Congress, to modify the obligations of any agency of the United States;
14. To limit or prohibit the Tribes, their members or Allottees, or to limit the United States in any capacity, from objecting in any general stream adjudication in the Montana Water Court to any claims to water rights on or off the Flathead Indian Reservation;
15. To prevent the Montana Water Court from adjudicating any properly filed claims or objections to the use of water within the Flathead Indian Reservation;
16. To limit or prohibit the Tribes, their members or Allottees, or the United States in any capacity, from filing any necessary action to prevent any Person or Party from interfering with the Tribal Water Right;
17. To affect or determine the applicability of any State, Tribal or Federal law not subject to this Compact, including, but not limited to environmental and public safety laws, on activities of the Tribes, their members or Allottees or the United States;
18. To prejudice or predetermine any right that Tribal members or Allottees have to obtain the use of a portion of the Tribal Water Right under the provisions of this Compact and the Law of Administration;
19. To affect the capacity of any Tribal member or Allottee to lease his or her land;
20. To empower the Water Management Board to assess a fee for the use of water;
21. To confer any jurisdiction on the Water Management Board over any water right whose place of use is located outside the exterior boundaries of the Reservation;
22. To limit, diminish, modify, or enlarge any Party's adjudicatory or legislative jurisdiction except as expressly provided herein;
23. To constitute a waiver of an individual's right to object to the Compact during the Water Court decree process; or
24. To transfer, convert, or otherwise change the ownership or trust/fee status of land on the Reservation. Specifically, nothing in this Compact changes fee owned land to trust land or trust land to fee land, or in any way alters the ownership status of land within the exterior boundaries of the Flathead Indian Reservation.

C. Other Rights Reserved.

1. Nothing in this Compact is intended, nor shall be interpreted or applied, in any manner to alter, limit, or diminish the right of the Tribes to take all steps they deem necessary or prudent before any court or adjudicative forum, any legislature or legislative entity, or any State or Federal administrative agency, including but not limited to the Federal Energy Regulatory Commission, to protect any interests in Water Rights Arising Under State Law that the Tribes may acquire or seek to acquire and which are associated with the Federal Energy Regulatory Commission license for the Kerr Hydroelectric Project, FERC Project No. 5 (32 FERC # 61,070, July 17, 1985, as amended) or any other hydroelectric facility located on the Reservation subject to FERC jurisdiction.
2. The Parties expressly reserve all rights not granted, recognized or relinquished in this Compact, including but not limited to the right to the continued exercise by members of the Tribes of Tribal off-Reservation rights to hunt, fish, trap and gather food and other materials, as reserved in Article III of the Hellgate Treaty of July 16, 1855 (12 Stat. 975).

D. Obligations of the United States Contingent.

1. Notwithstanding any language contained herein and except as authorized under Federal law, the obligations of the United States under this Compact shall be contingent upon ratification and necessary authorization by Congress.
2. The expenditure or advance of any money or the performance of any work by the United States or the Tribes pursuant to this Compact which requires appropriation of money by Congress or by the Tribes is contingent on such appropriation being timely made.
3. The Tribes and the State recognize that this Compact has not been finally approved by the United States as of the date of execution by the Tribes or the State, and that ratification by the Tribes or by the State in no manner limits or restricts the discretion of the United States in the negotiation of all matters related to this Compact.

- E. Obligations of the State Contingent.** The expenditure or advance of any money or the performance of any work by the State pursuant to this Compact that requires appropriation of money by the Montana Legislature or allotment of funds shall be contingent upon such appropriation or allotment.

ARTICLE VI - CONTRIBUTIONS TO SETTLEMENT

A. State Contribution to Settlement. The Parties agree that the State contribution to settlement shall be \$55 million. The agreement to, expenditure, or advance of any State contribution which may require authorization and appropriation of money by the Montana Legislature or allotment of funds is contingent on such appropriation or allotment being made pursuant to Article V, Section 11(4) of the Montana Constitution. The Parties recognize that the amount and structure of the State funding is contingent on action of the Montana Legislature. If the Legislature appropriates funds in a manner inconsistent with the structure contemplated by the Parties in this section, the Parties agree to meet and confer to consider adjustments to the funding structure and priorities described in Articles IV.H.1.a and b above. Such modifications are pursuant to, and shall not be deemed an amendment of, this Compact.

1. The State Contribution to Settlement shall be allocated as follows:

- a. \$4 million for water measurement activities;
- b. \$4 million for improving on-farm efficiency;
- c. \$4 million for mitigating the loss of Stock Water deliveries from the FIIP;
- d. \$30 million to offset pumping costs associated with Compact implementation and related projects; and
- e. \$13 million to provide for aquatic and terrestrial habitat enhancement.

B. Federal Contribution to Settlement. The Parties agree that the Federal contribution to settlement shall be negotiated by the Tribes, the State, and the United States as part of the negotiations on the Federal legislation to ratify and effectuate the Compact.

ARTICLE VII – FINALITY

A. Ratification and Effectiveness of Compact.

1. The terms of the Compact may not be amended without the consent of all the Parties following the first ratification by any Party. After the Effective Date, no provision of the Compact shall be modified except as expressly provided in the Compact. Any amendment that is not expressly provided for in the Compact must be ratified in the same manner as the Compact; however, if the proposed amendment concerns non-monetary matters and does not affect the water rights of the Tribes determined in this Compact or other property held in trust by the United States on behalf of the Tribes or

Indians, the Secretary may ratify such amendment on behalf of the United States, as determined by Congress. The State and the Tribes will support provisions in the Federal legislation ratifying the Compact that delegates to the Secretary the authority to ratify such future amendments on behalf of the United States.

2. Notwithstanding any other provision in the Compact, the Tribes reserve the unilateral right to withdraw as a Party if:
 - a. Congress has not ratified this Compact and authorized appropriations for the Federal contribution to the settlement within four years from the date on which the ratification of the Compact by the Montana Legislature takes effect under State law. This is a continuing right until Congress ratifies the Compact;
 - b. Appropriations are not made in the manner contemplated by the Federal legislation ratifying this Compact;
 - c. The Parties do not reach agreement on the State contribution to settlement;
 - d. The State has not authorized appropriations for the State contribution to settlement within five years from the date the Compact is ratified by the United States; or
 - e. Appropriations are not made by the State in the manner contemplated by any agreement for contributions to settlement made pursuant to Article VI.A.
3. The Tribes may exercise their right to withdraw from the Compact under Article VII.A.2 by sending to the Governor of the State and to the Secretary by certified mail a resolution of the Tribal Council expressing the Tribes' intent to withdraw and specifying a reason for withdrawal and a withdrawal date not sooner than one hundred and twenty days from the date of the resolution. On the date designated in the resolution for Tribal withdrawal, the Compact shall become null and void without further action by any Party.
4. Notwithstanding any other provision in the Compact, the State reserves the unilateral right to withdraw as a Party to the Compact if:
 - a. Congress has not ratified this Compact within four years from the date on which the ratification of the Compact by the Montana Legislature takes effect under State law. This is a continuing right until Congress ratifies the Compact;

- b. The Tribes have not ratified this Compact within five years from the date on which the ratification of the Compact by the Montana Legislature takes effect under State law;
 - c. Congress requires a State contribution to settlement that exceeds the contributions described in Article VI.A; or
 - d. Congress does not authorize and appropriate the Federal share of funding agreed to pursuant to Article VI.B.
5. The State may exercise its right to withdraw under Article VII.A.4 by sending to the Chair of the Tribal Council and to the Secretary a letter delivered by certified mail from the Governor of the State expressing the State's intent to withdraw and specifying a reason for withdrawal and a withdrawal date not sooner than one hundred and twenty days from the date of the letter. On the date designated in the letter for State withdrawal, the Compact shall become null and void without further action by any Party.

B. Incorporation into Decrees.

1. Within one hundred eighty (180) days of the date this Compact is ratified by the Tribes, the State, and the United States, whichever is latest, the Tribes, the State, and/or the United States shall file, in the general stream adjudication initiated by the State, pursuant to the provisions of 85-2-702(3), MCA, a motion for entry of the proposed decree attached hereto as Appendix 38 as the decree of the water rights held by the United States in trust for the Tribes, Tribal members, and the Allottees of the Tribes as well as those Water Rights Arising Under State Law set forth in Article III.D.4.a.i and Article III.D.5, of which the Tribes become co-owners pursuant to this Compact, and such other provisions of the Compact as are related to the determination of these water rights and their administration. If the Montana Water Court does not approve the proposed decree submitted with the motion within three years following the filing of the motion, the Compact shall be voidable by written agreement of the State and the Tribes. If the Montana Water Court approves the proposed decree within three years, but the decree is subsequently set aside by the Montana Water Court or on appeal, the Compact shall be voidable by written agreement of the State and the Tribes. Any effect of the failure of approval or setting aside of the decree on the approval, ratification, and confirmation by the United States shall be as provided by Congress. The Parties understand and agree that the submission of the Compact to a State court or courts, as provided for in the Compact, is solely to comply with the provisions of 85-2-702(3), MCA, and does not expand the jurisdiction of the State court or expand in any manner the waiver of sovereign

immunity of either the United States or the Tribes in the McCarran Amendment, 43 U.S.C. 666, or other provision of Federal law.

2. Consistent with 3-7-224, MCA, setting forth the jurisdiction of the chief water judge, for the purposes of 85-2-702(3), MCA, the review by the Montana Water Court shall be limited to the contents of Appendix 38, and may extend to other sections of the Compact only to the extent that they relate to the determination of water rights and their administration. The final decree shall consist of the contents of Appendix 38, and such other information as may be required by 85-2-234, MCA. Nevertheless, pursuant to 85-2-702(3), MCA, the terms of the entire Compact must be included in the preliminary decree without alteration for the purpose of notice.

C. Disposition of State and Federal Suits.

1. On issuance of a final decree by the Montana Water Court or its successor, and the completion of any direct appeals therefrom, or on expiration of the time for filing any such appeal:
 - a. the United States, the Tribes, and the State shall execute and file joint motions pursuant to Rule 41(a), Fed.R.Civ.P., to dismiss without prejudice any and all claims of the Tribes, Tribal members, and Allottees and any and all claims made by the United States for the benefit of the Tribes, Tribal members, and Allottees in *United States v. Abell*, No. CIV-79-33-M (filed April 5, 1979). The case may only be resumed if either the State or the Tribes exercise the rights each holds under Article VII.A;
 - b. the Tribes and the State shall execute and file joint motions to dismiss without prejudice the case entitled *Confederated Salish and Kootenai Tribes v. Bud Clinch, Director, Montana Department of Natural Resources and Conservation, and the Montana Department of Natural Resources and Conservation*, Montana First Judicial Court, County of Lewis and Clark, Cause No. BDV-2001-253, Montana First Judicial District Court, Lewis and Clark County, Montana;
 - c. The United States, the Tribes, and the State shall execute and file joint motions pursuant to Rule 41(a), Mont.R.Civ.P., to dismiss without prejudice any and all claims of the Tribes, Tribal members, and Allottees and any and all claims made by the United States for the benefit of the Tribes, Tribal members, and Allottees that have been filed in the Montana Water Court as contemplated by Article VII.D.2. The case adjudicating those claims may only be resumed if either the State or the Tribes exercise the rights each holds under Article VII.A.2 and 4; and

- d. The Decree shall be filed by the Parties as a consent decree in *Abell*, or in Federal court as a new proceeding after the dismissal of *Abell* conditional on agreement by the Parties to seek the necessary State, Tribal, and Federal ratification of the Compact, if it is finally determined in a judgment binding on the State that the State courts lack jurisdiction over, or that the State court proceedings are inadequate to adjudicate some or all of the water rights asserted in *Abell*.

D. Settlement of Water Rights Claims.

1. The water rights and other benefits confirmed to the Tribes in this Compact are in full and final satisfaction of and are intended to be in replacement of and substitution for all claims to water or to the use of water by the Tribes, Tribal members, and Allottees and the United States on behalf of the Tribes, Tribal members, and Allottees existing on the Effective Date, except for any Appropriation Rights or Water Rights Arising Under State Law held by the Tribes, their members, or Allottees as of the Effective Date or acquired thereafter, which shall be satisfied pursuant to their own terms.
2. The Tribes and United States will file all of their claims to water on and off of the Flathead Indian Reservation on or before July 1, 2015, pursuant to 85-2-702(3), MCA. Upon filing, the Tribes and United States will request that the Montana Department of Natural Resources and Conservation stay any action on such claims pending the occurrence of the following events:
 - a. The passage of an Act of Congress ratifying the Compact and authorizing appropriations for monetary settlement to the Tribes;
 - b. Approval by the Tribes of the Compact and the Act described in Article VII.D.2.a.
 - c. Issuance by the Montana Water Court of a final water right decree or decrees incorporating the water rights quantified pursuant to this Compact; and
 - d. All portions of the final Water Court decree or decrees survive exhaustion of all avenues of appeal.
3. Upon occurrence of these events, the waiver and dismissal described in Article VII.C.1.c and VII.D.3 shall be accomplished.

4. In consideration of the water rights and other benefits confirmed to the Tribes, Tribal members, and Allottees in this Compact, and of performance by the State and the United States of all actions required by this Compact, and on entry of a final order issuing the decree of the Tribal Water Right held in trust by the United States as quantified in this Compact and displayed in Appendix 38 and occurrence of the events set forth in Article VII.D.2, the Tribes and the United States as trustee for the Tribes, Tribal members, and Allottees shall waive, release, and relinquish any and all claims to water rights or to the use of water, and shall dismiss any such claims filed pursuant to Article VII.D.2, existing on the Effective Date.

E. Settlement of Tribal Claims Against the United States. Waiver of claims against the United States by the Tribes, their members and Allottees shall be as provided by Congress.

F. Binding Effect. After the Effective Date and the entry of a final decree by the Montana Water Court of the water rights quantified by this Compact, or if necessary the Federal court in *Abell*, the Compact's terms shall be binding on:

1. The State and any Person using, claiming or in any manner asserting any right under the authority of the State to the use of water in the State; provided that, the validity of consent, ratification, or authorization by the State is to be determined by State law;
2. The Tribes and any Person using, claiming or in any manner asserting any right to the use of the Tribal Water Right, or any right arising under any doctrine of reserved or aboriginal water rights for the Tribes, Tribal members, and Allottees, or any rights arising under Tribal law; provided that, the validity of consent, ratification or authorization by the Tribes is to be determined by Tribal and, if applicable, Federal law; and
3. The United States and any Person using, claiming or in any manner asserting any right under the authority of the United States to the use of water in the State; provided that, the validity of consent, ratification or authorization by the United States is to be determined by Federal law.

ARTICLE VIII – LEGISLATION/DEFENSE OF COMPACT

A. State Legislation. The State and the Tribes agree to seek ratification of the Compact by the Montana Legislature and any additional State legislation necessary to effectuate the Compact.

B. Federal Legislation. The State and the Tribes agree to seek ratification of the Compact by Congress and any additional Federal legislation necessary to effectuate the Compact.

1. The State and the Tribes will support provisions in the Federal legislation ratifying this Compact that authorizes the United States District Court for the District of Montana in Missoula to review decisions of the Board and the MFWP authorized in the Compact; provided that, the sovereign immunity of the United States is not waived by such provision of the legislation.
2. The State and Tribes will support provisions in the Federal legislation ratifying this Compact that authorizes the Net Power Revenues distributions described in Article IV.H.3.
3. The State and the Tribes will support provisions in the Federal legislation ratifying this Compact that delegates to the Secretary the authority to ratify future amendments on behalf of the United States pursuant to Article VII.A.1.

C. Tribal Legislation. The State and the Tribes agree to seek ratification of the Compact by the Tribes and any Tribal legislation necessary to effectuate the Compact.

D. Defense of the Compact. The Parties agree to defend the Compact after its Effective Date from all challenges and attacks and in all proceedings pursuant to Article VII.B and C.

IN WITNESS WHEREOF the representatives of the Confederated Salish and Kootenai Tribes, the State of Montana, and the United States, have signed the Compact on the ____ day of ____, 201__.

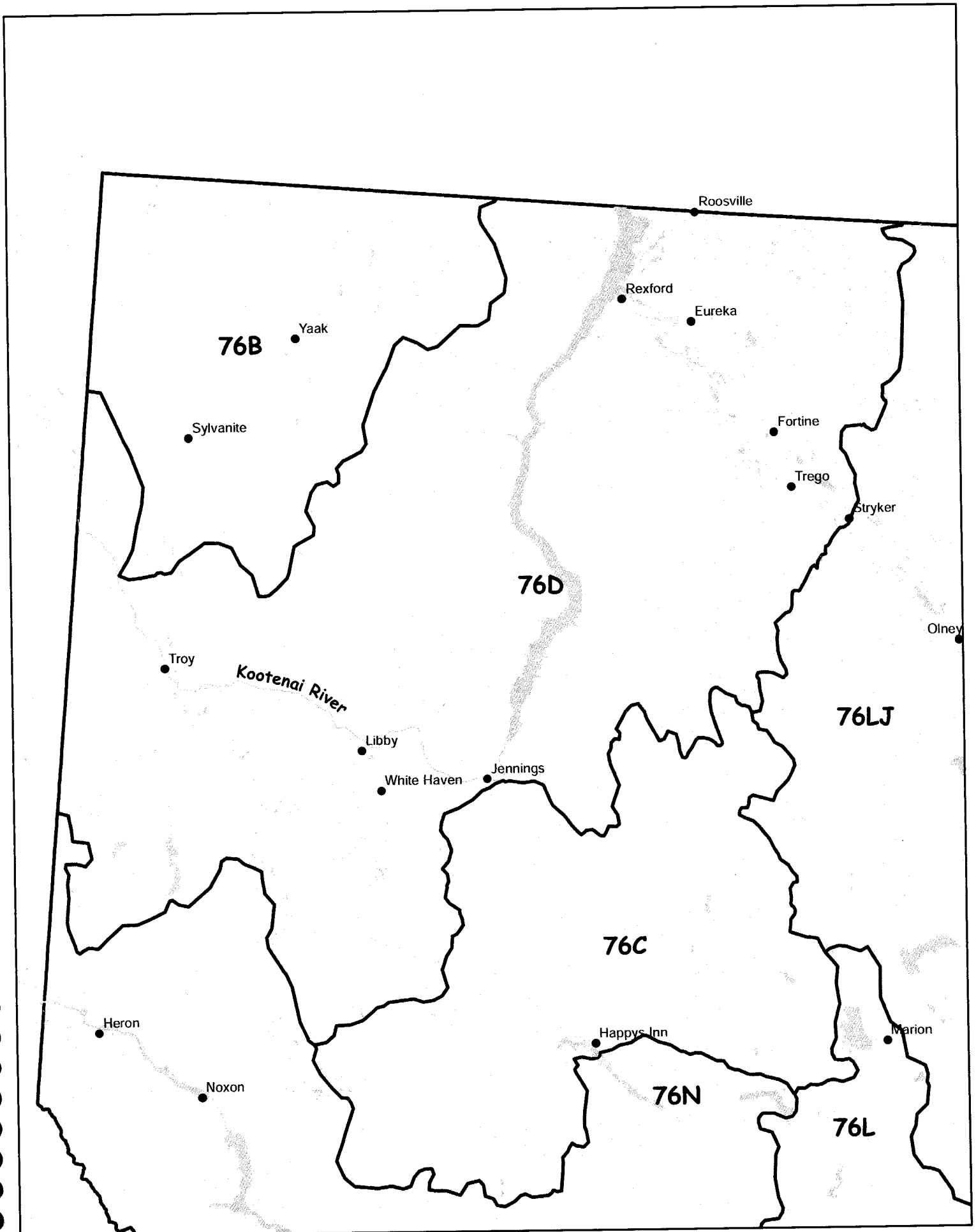
**ADDITIONAL
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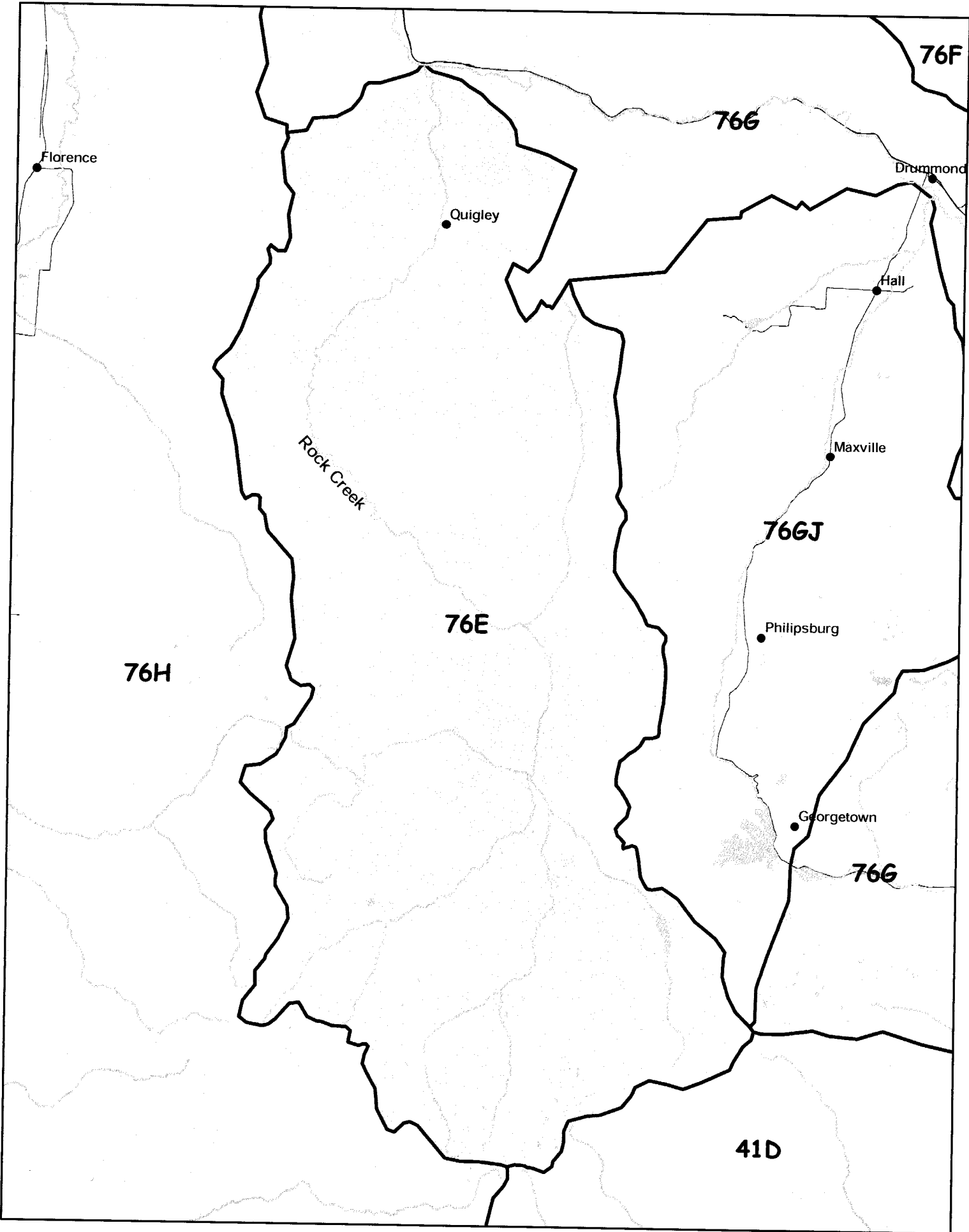
**PROPOSED
FLATHEAD WATER COMPACT
APPENDIX 1-38**

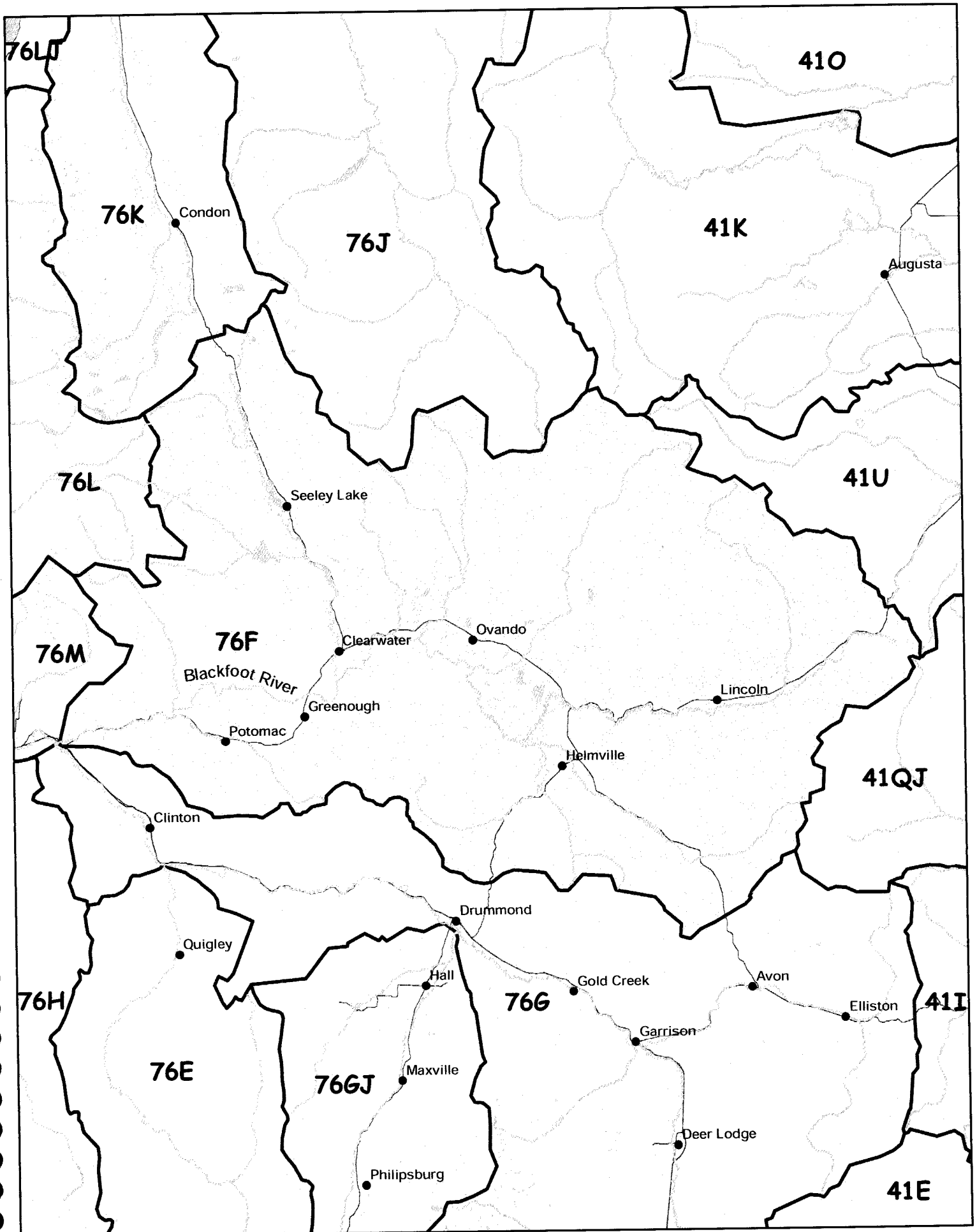
PREPARED BY
CITIZENS FOR BALANCED USE
P.O. BOX 606
GALLATIN GATEWAY, MT 59730

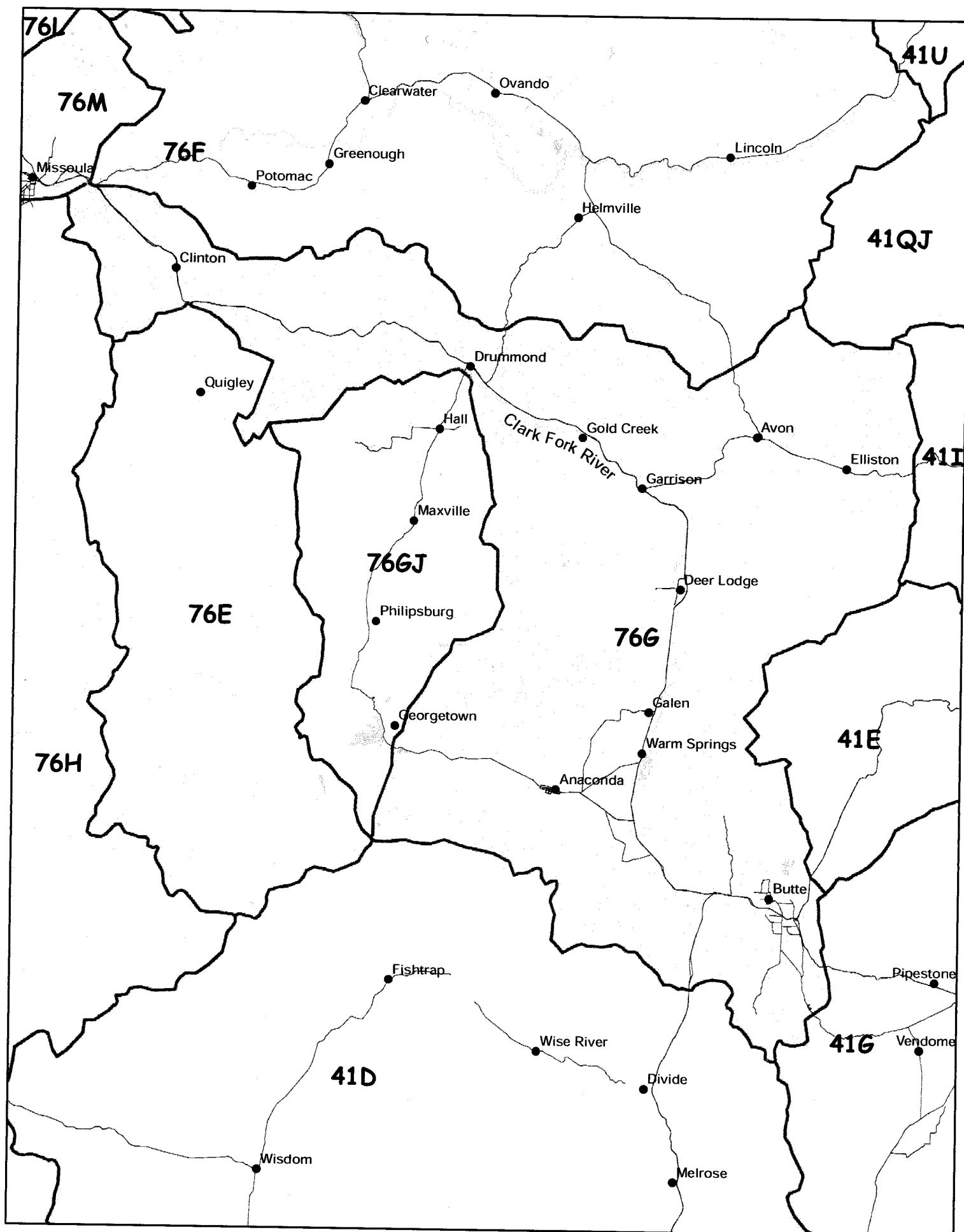
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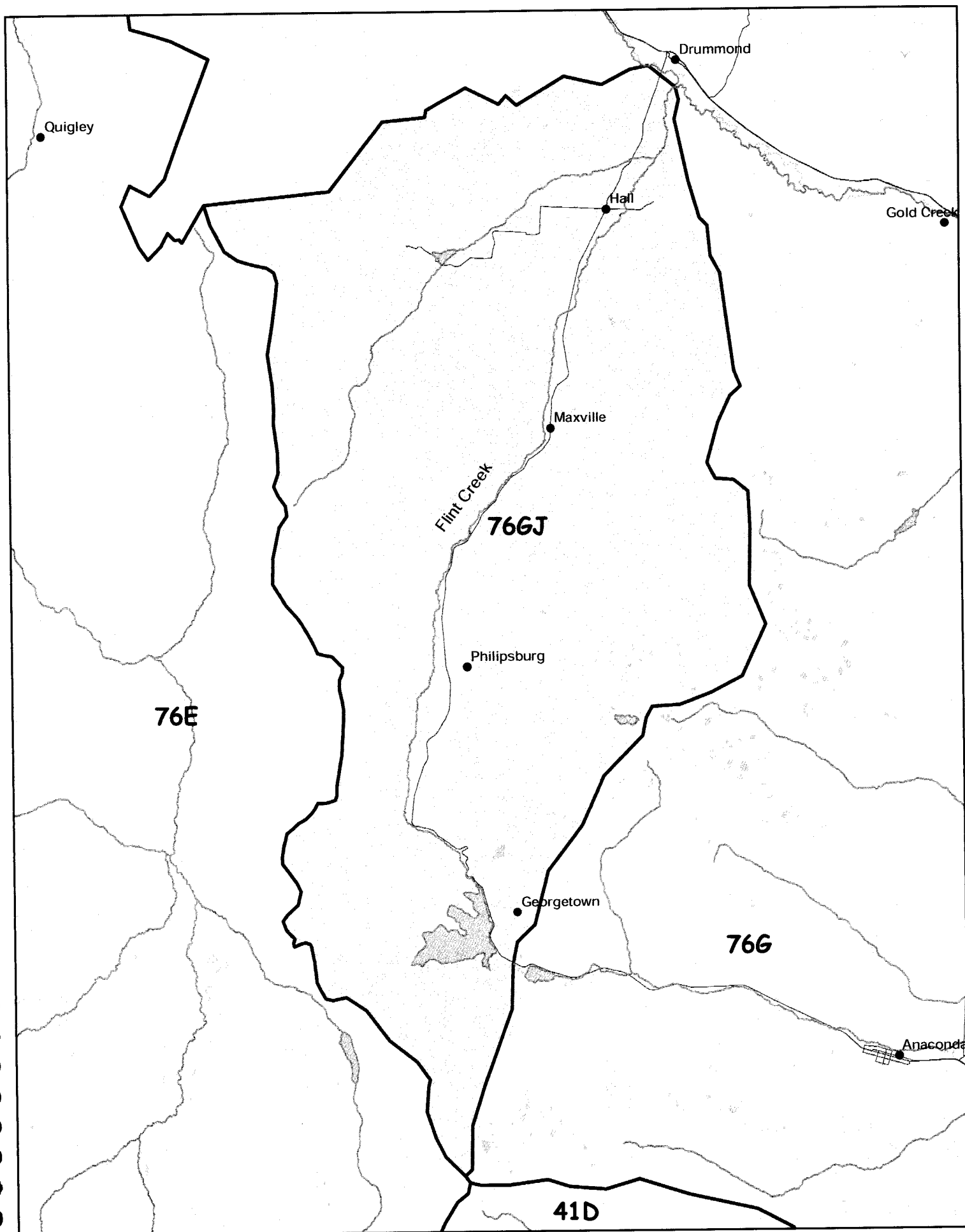
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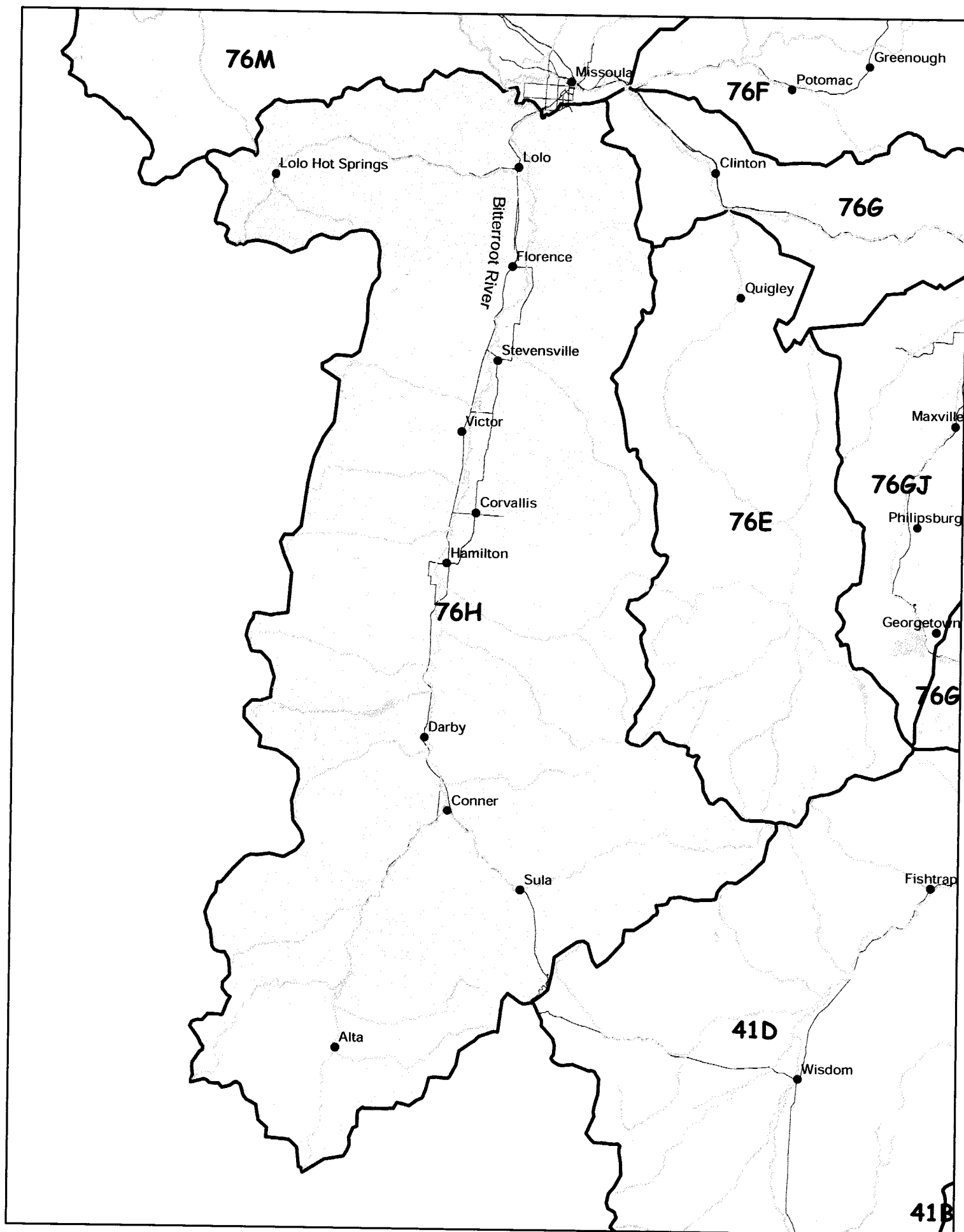




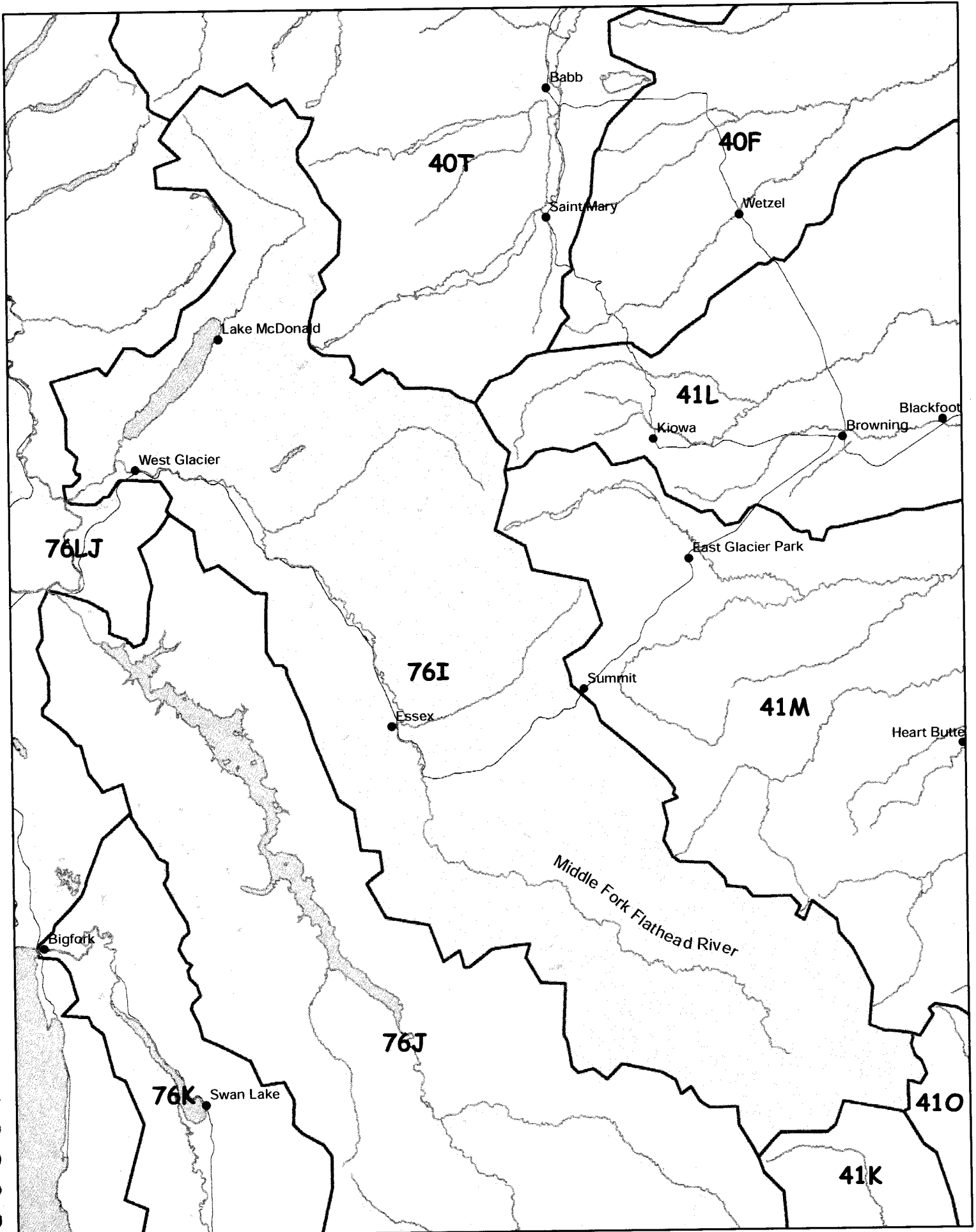




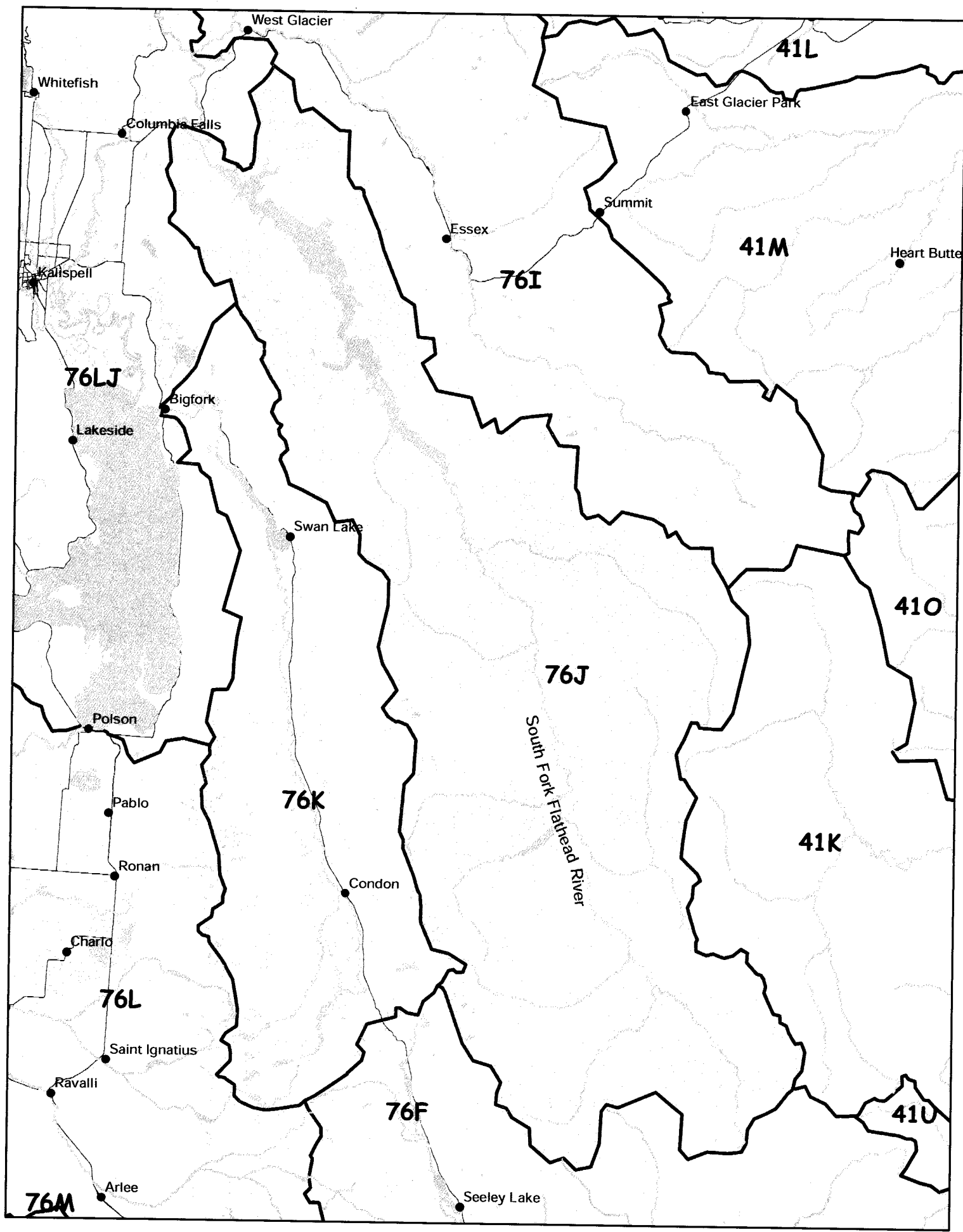


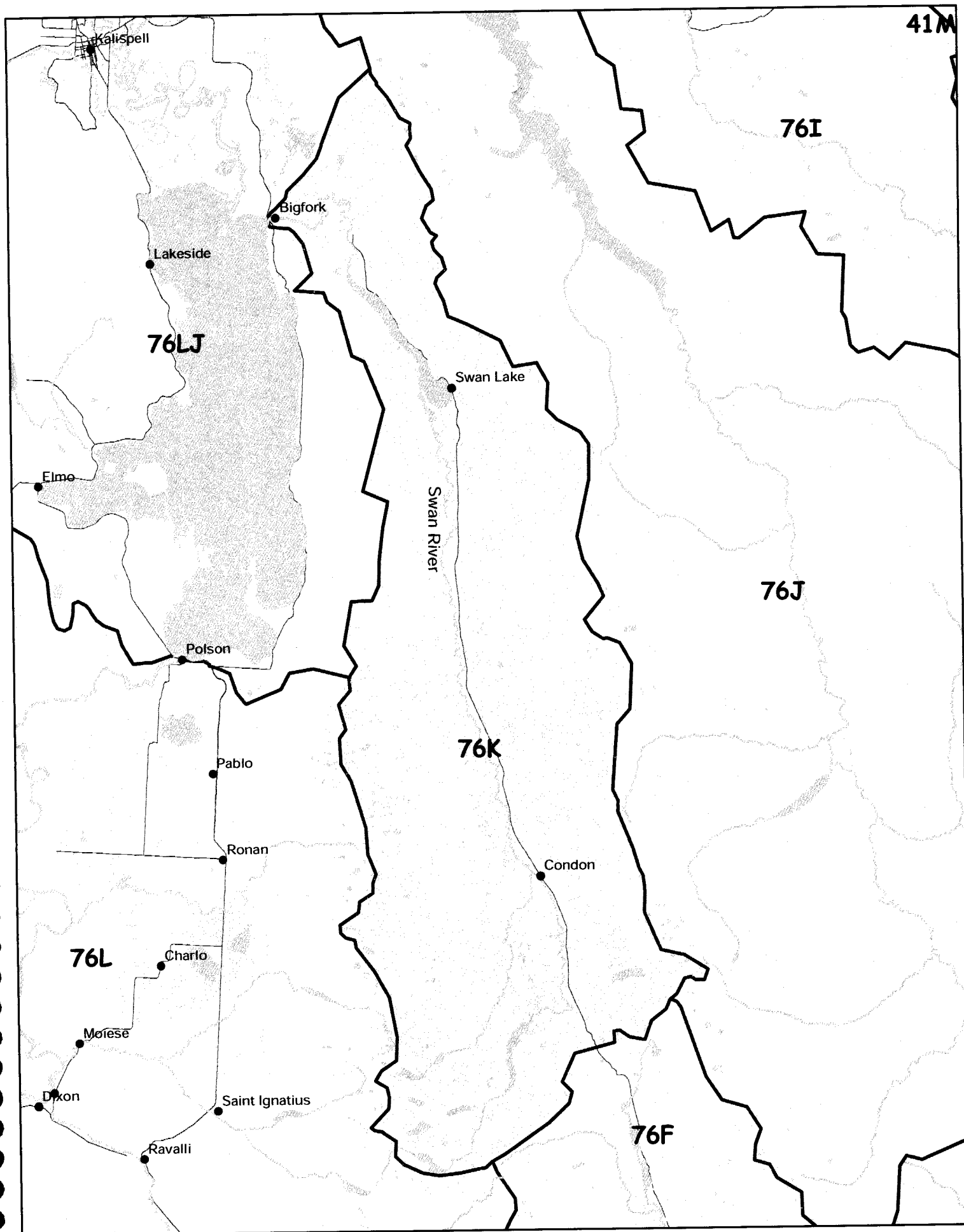


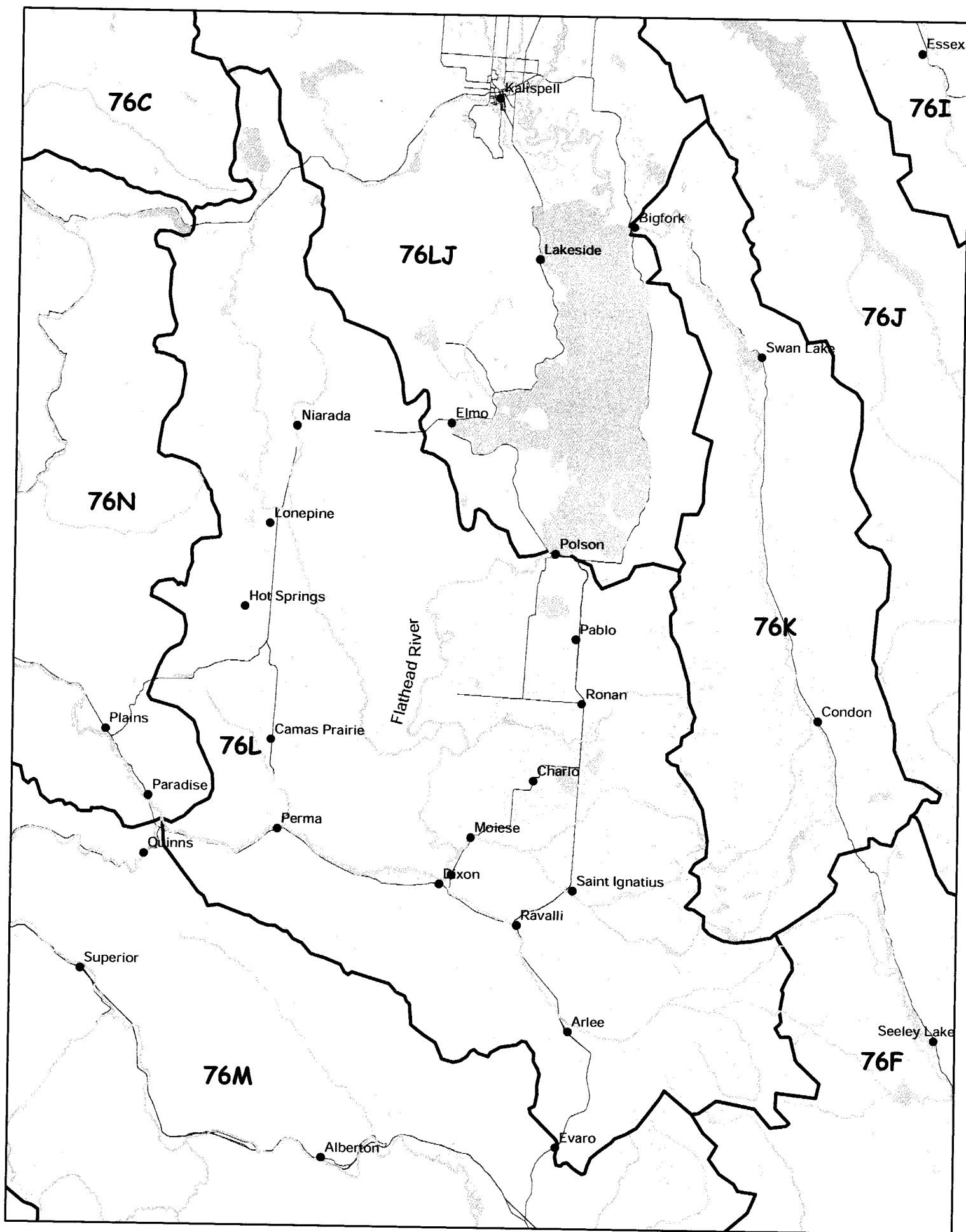
Appendix 1 Hydrologic Basin 76I Middle Fork Flathead River

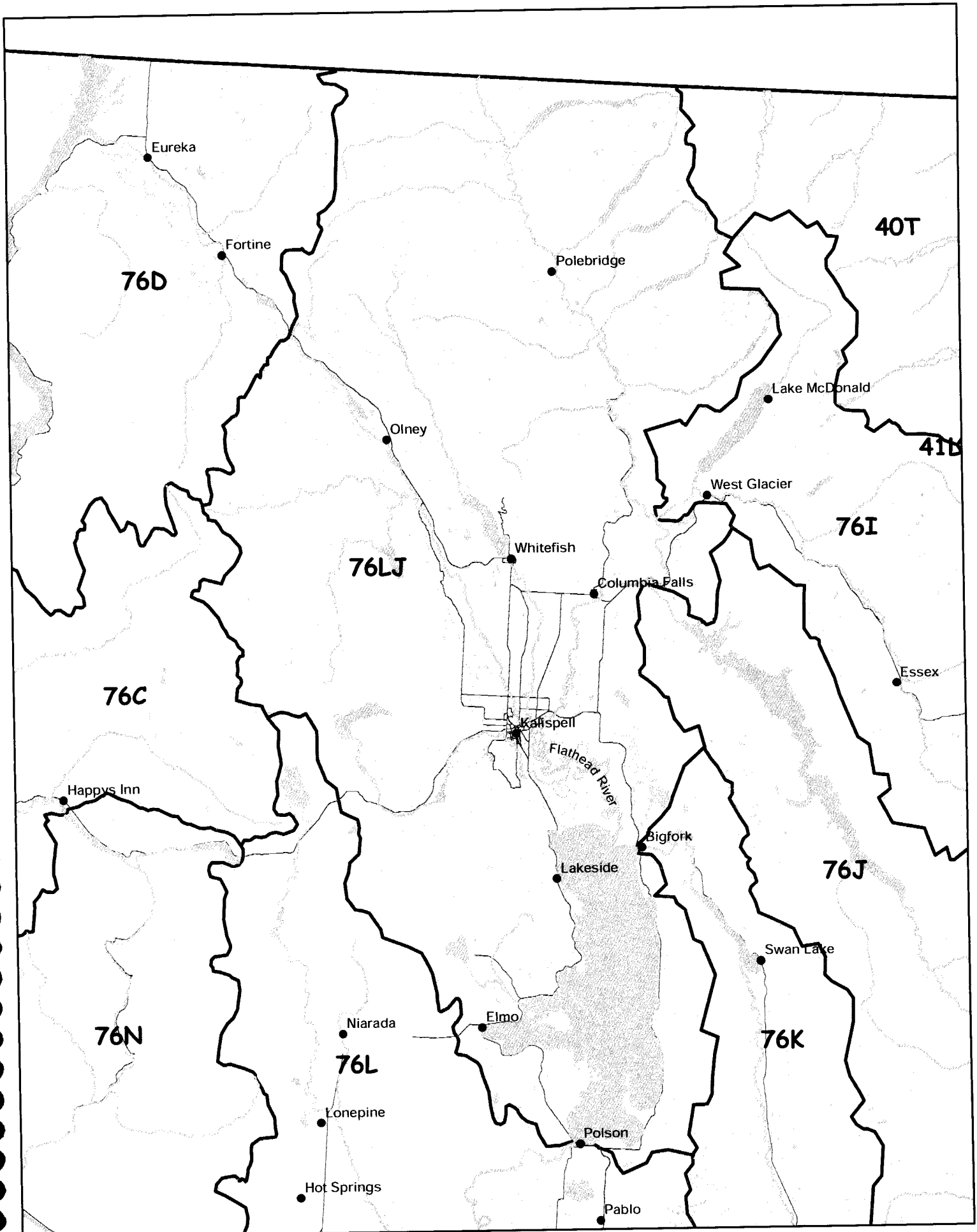


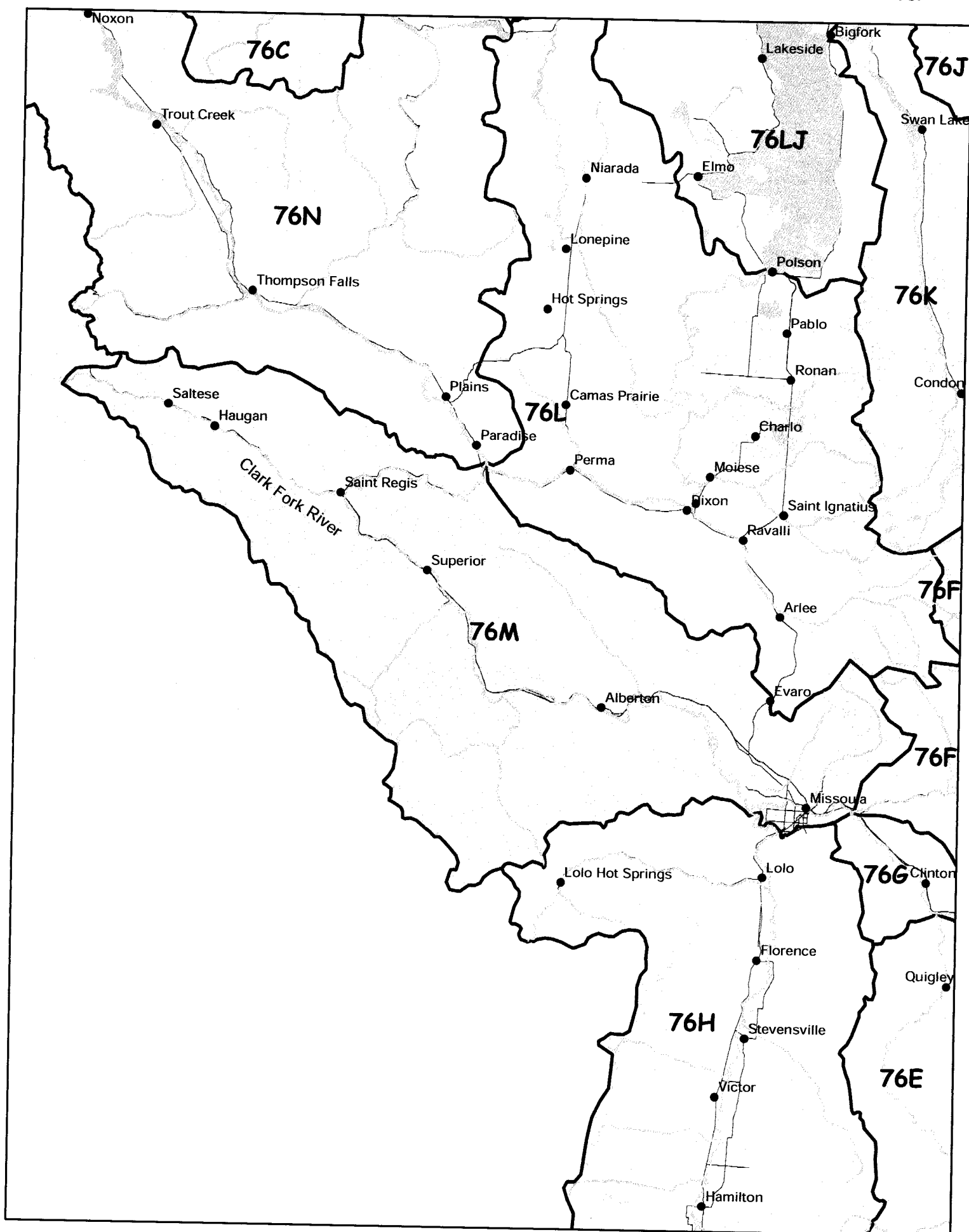
Appendix 1 Hydrologic Basin 76J South Fork Flathead River

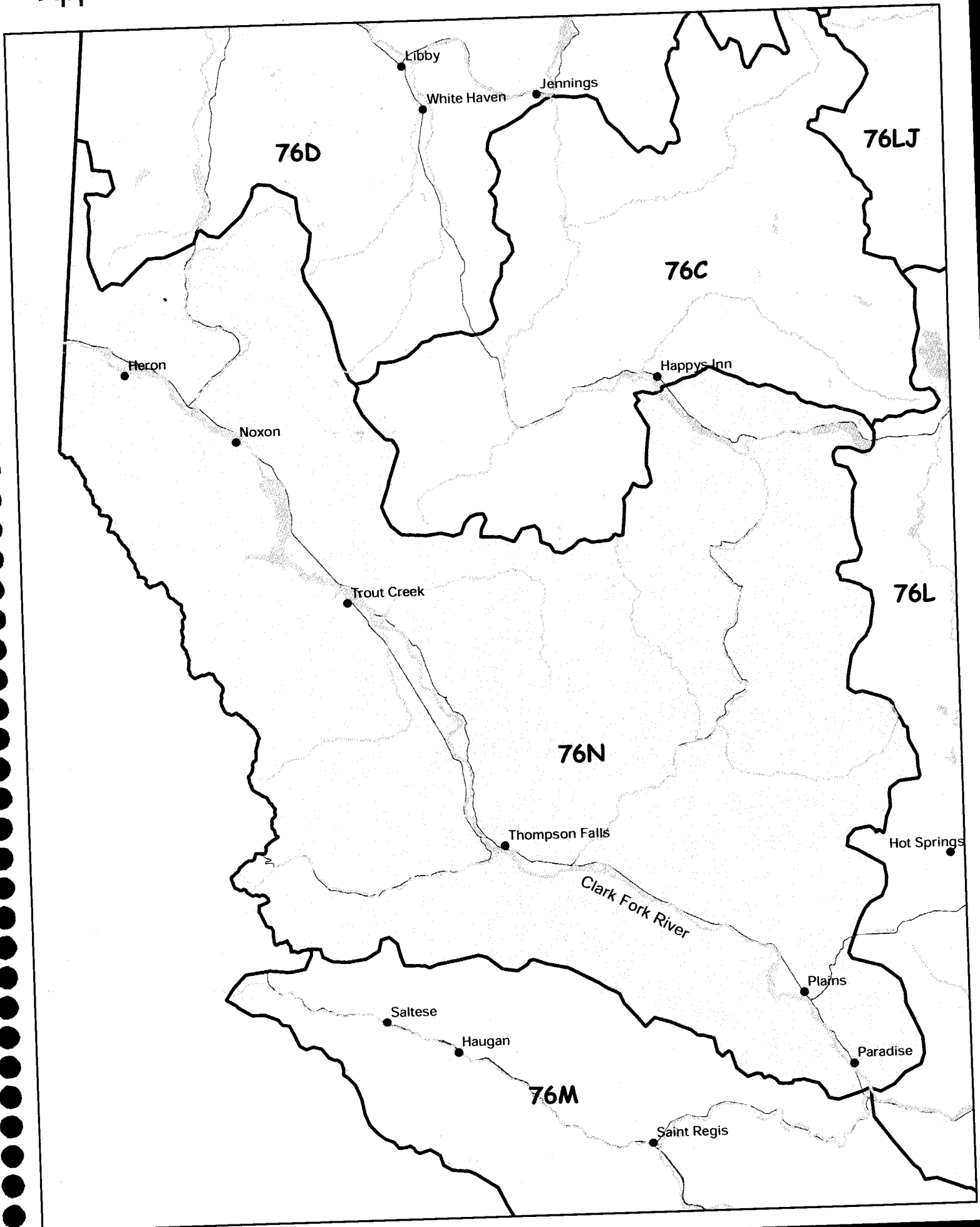












Appendix 2 Legend

● Minimum Enforceable Instream Flow

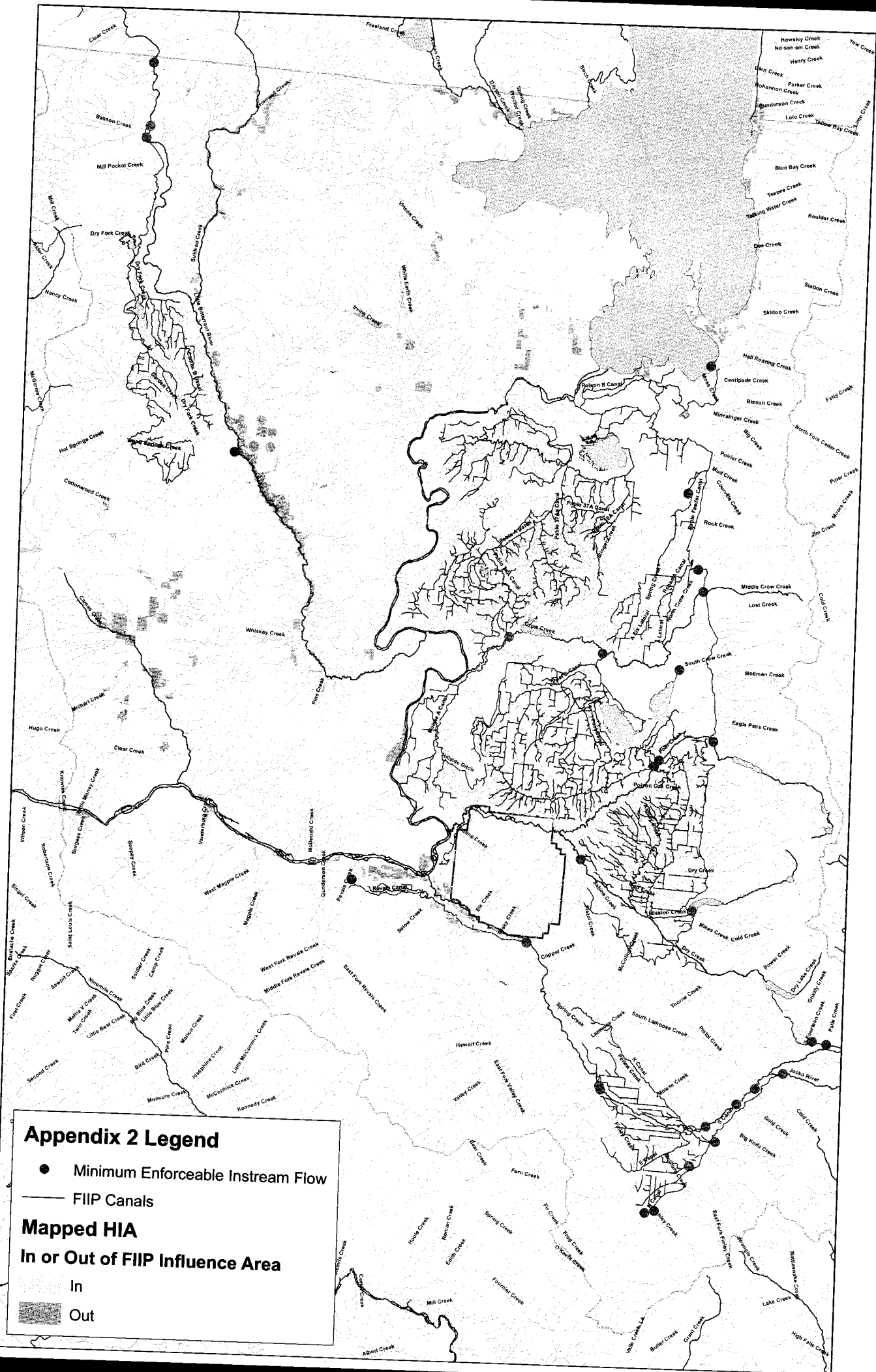
— FIIP Canals

Mapped HIA

In or Out of FIIP Influence Area

In

Out



Appendix 3.1: MEFs, TIFs, Minimum Reservoir Pool Elevations

This appendix specifies Minimum Enforceable Instream Flows (MEFs) and Target Instream Flows (TIFs), and Minimum Reservoir Pool Elevations which are a part of the Tribal Water Right. MEFs are based on dry water year conditions. TIFs are based on normal and wet water year conditions and are reported for normal and wet years. Wet, normal and dry water year types were determined using natural streamflow information for the April through July runoff forecasting period using streamflow information spanning the 1983-2002 period. Details on the definition of wet, normal and dry years are reported in Appendix 3.7. Details on the annual, or seasonal, determination of water year types – wet, normal, or dry, are in the Adaptive Management Appendix to the Compact (Appendix 3.5). Instream flow locations are found on the attached map. All instream flow values reported in tables below are in cubic feet per second.

Jocko Area

Middle Fork Jocko River below Tabor Feeder Canal near mouth

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	9	9	10	18	26	22	20	9	9	9	9	9
TIF Normal Year	9	9	11	21	26	26	44	72	44	25	14	10
TIF Wet Year	11	11	12	20	52	96	92	60	58	38	12	9

North Fork Jocko River below Tabor Feeder Canal near mouth

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	3	4	9	25	40	30	22	8	6	6	6	6
TIF Normal Year	4	4	14	26	70	44	24	12	10	10	12	8
TIF Wet Year	10	8	9	30	110	210	60	14	8	8	12	7

Falls Creek below Tabor Feeder Canal near mouth

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	1	1	1	1	4	5	4	3	3	2	2	1

S-14 Creek below Tabor Feeder Canal near mouth

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	0.1	0.1	0.1	0.2	0.4	0.7	0.4	0.3	0.2	0.1	0.1	0.1

Jocko River below Upper Jocko S Canal

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	20	20	25	60	100	75	50	25	20	20	20	20

Cold Creek below Upper Jocko S Canal near mouth

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3

Gold Creek below Upper Jocko S Canal near mouth

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3

Big Knife Creek below Upper Jocko S Canal near mouth

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	3	3	3	5	7	8	5	5	4	4	3	3

Jocko River below Jocko K Canal

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	40	45	50	100	140	90	42	42	42	42	40	40
Normal Year	54	51	68	123	294	303	87	77	94	105	85	64
Wet Year	68	64	79	176	516	758	222	68	96	111	83	58

Agency Creek below Upper Jocko J Canal

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	3	3	4	8	15	14	10	6	6	4	4	3

East Fork Finley Creek below Jocko N Canal near Mouth

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	3	3	3	7	15	10	7	5	4	4	3	3

Schley Creek below Doney Ditch near Mouth

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	0.3	0.3	0.4	1.0	3.0	1.9	1.1	0.6	0.5	0.4	0.4	0.3

Finley Creek below Finley E Canal near Mouth

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	9	9	11	23	50	28	15	12	11	11	11	10
Normal Year	12	13	16	31	90	67	30	17	22	23	20	15
Wet Year	15	15	16	60	128	156	37	18	20	24	21	16

Jocko River below Lower Jocko S Canal

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	78	78	104	168	310	242	135	95	110	80	80	80
Normal Year	79	76	96	169	425	462	183	134	165	167	140	98
Wet Year	98	92	108	253	686	983	324	123	162	176	141	93

Jocko River below Lower Jocko J Canal

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	95	95	110	175	325	250	145	130	115	110	105	100
Normal Year	111	106	125	212	507	530	235	185	228	224	188	136
Wet Year	133	127	141	321	778	1,075	395	190	232	241	191	132

Revais Creek below Revais R Canal below Highway 200

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	3	3	3	6	10	6	4	3	3	3	3	3

Mission Area

Mission Creek below Pablo Feeder Canal

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	11	10	10	20	94	115	102	85	45	20	20	11
Normal Year	11	10	10	20	94	160	150	128	120	80	20	11
Wet Year	14	13	13	22	100	200	190	136	130	100	20	14

Post Creek below McDonald Reservoir above Pablo Feeder Canal

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	20	20	20	30	60	140	120	80	40	40	30	20
Normal Year	20	20	30	35	88	160	184	128	92	45	38	28
Wet Year	35	22	32	48	96	155	268	155	106	46	36	28

Middle Crow Creek below Pablo Feeder Canal near mouth

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	2	2	2	2	9	9	2	2	2	2	2	2

North Crow Creek below Pablo Feeder Canal near mouth

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	9	9	14	23	56	27	11	10	10	10	9	9
Normal Year	9	9	14	23	67	37	19	12	12	10	15	10
Wet Year	9	9	15	23	61	125	78	20	15	10	15	10

Mission Creek below Mission 6C Canal above Post Creek

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	13	13	20	24	50	65	35	25	25	25	20	15
Normal Year	13	13	22	24	72	130	80	56	56	50	50	24
Wet Year	14	14	22	24	85	174	130	70	65	60	55	26

Post Creek below Post F Canal

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	20	20	22	26	55	60	35	26	24	22	22	22
Normal Year	22	22	22	26	76	130	90	70	65	52	35	28
Wet Year	30	26	22	30	88	178	178	75	70	52	42	30

Marsh Creek below Marsh Creek Feeder Canal near mouth

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	2	2	2	2	2	2	2	2	2	2	2	2

South Crow Creek below South Crow Feeder Canal near mouth

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	5	5	5	10	12	13	10	9	7	7	7	6
Normal Year	6	6	9	10	14	30	20	12	10	9	9	6
Wet Year	8	8	8	14	18	55	30	16	12	10	10	8

Crow Creek below Crow Pump Canal

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	25	25	25	40	60	55	22	22	25	25	25	25
Normal Year	30	30	36	40	70	80	36	36	36	36	36	36
Wet Year	35	35	40	40	90	156	110	40	40	40	40	40

Mud Creek below Ronan B Canal

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	3	3	4	5	13	9	5	3	3	3	3	3

Crow Creek below Moiese A Canal near Mouth

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	30	30	30	35	50	30	21	21	21	21	21	21
Normal Year	45	45	50	50	100	75	35	22	25	50	50	45
Wet Year	50	50	50	70	100	190	116	30	40	60	60	60

Hellroaring Creek below Twin Feeder Canal near Mouth

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	1	1	1	1	1	1	1	1	1	1	1	1

Little Bitterroot Area**Little Bitterroot River below Camas A Canal Headworks and above Mill Creek**

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	1	1	1	1	1	1	1	1	1	1	1	1

Little Bitterroot River below Camas A Canal Headworks and below Mill Creek

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	6	6	6	6	6	6	6	6	6	6	6	6

Mill Creek below Camas A Canal near Mouth

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	1	1	1	1	1	1	1	1	1	1	1	1

Hot Springs Creek below Camas C Canal near Mouth

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
MEF	1	1	1	1	1	1	1	1	1	1	1	1

Little Bitterroot River below Hot Springs Creek (no mef or tif values)

<i>all values in cfs</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
Water Right	75	106	116	198	176	108	28	47	35	32	37	26

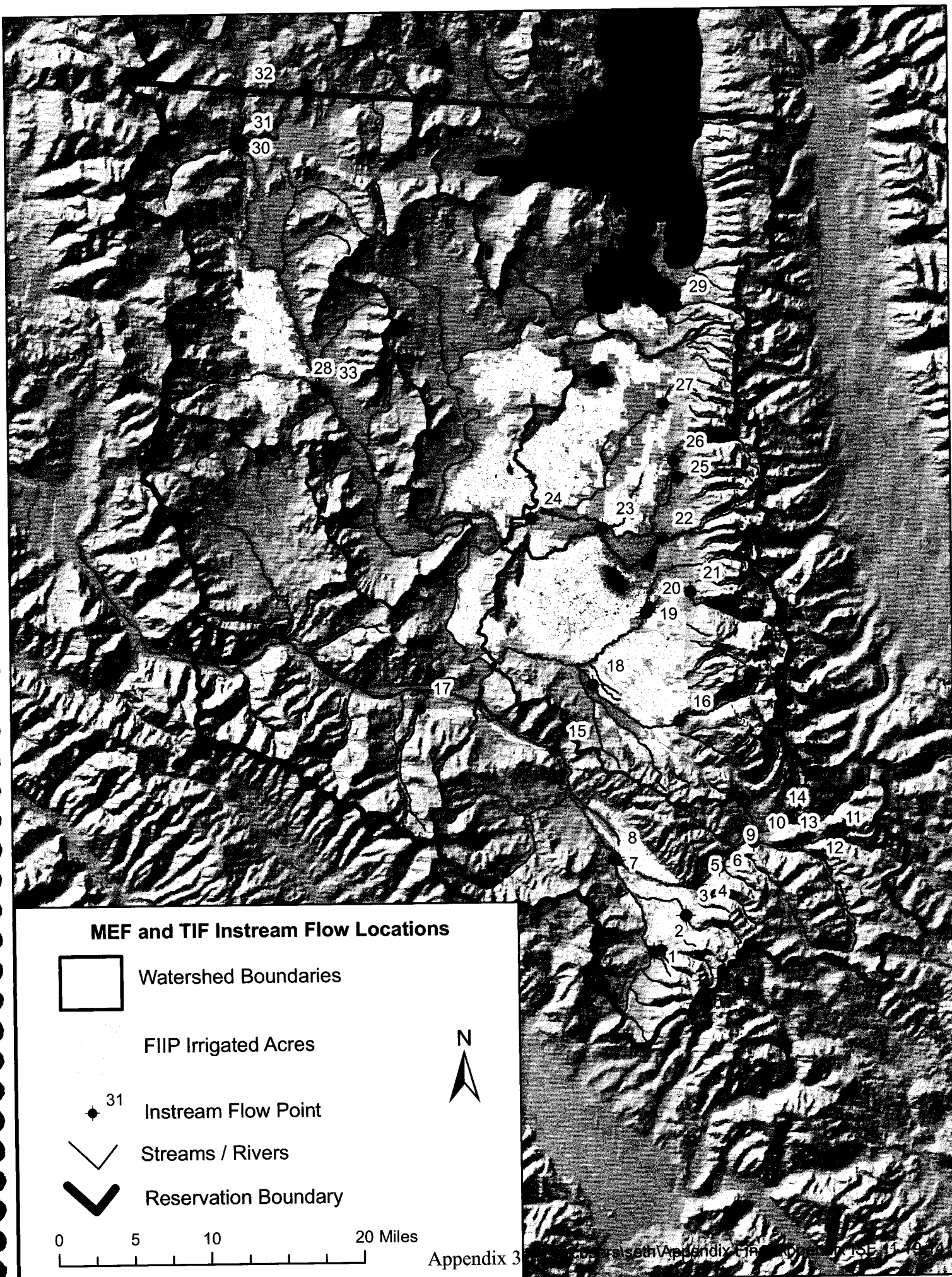


Table associating instream flow labels with instream flow point name on map

Point	Instream flow location	Point	Instream flow location
1	Schley Creek below Doney Ditch near mouth	18	Mission Creek below 6C Canal above Post Creek
2	East Fork Finley Creek below Jocko N Canal near mouth	19	Post Creek below F Canal
3	Agency Creek below Upper Jocko J Canal	20	Marsh Creek below Marsh Creek Feeder Canal near mouth
4	Big Knife Creek below Upper Jocko S Canal near mouth	21	Post Creek below McDonald Reservoir above Pablo Feeder Canal
5	Jocko River below Jocko K Canal	22	South Crow Creek below South Crow Feeder near mouth
6	Gold Creek below Upper Jocko S Canal near mouth	23	Crow Creek below Crow Pump Canal
7	Finley Creek below Finley E Canal near mouth	24	Crow Creek below Moiese A Canal near mouth
8	Jocko River below lower Jocko S Canal	25	Middle Crow Creek below Pablo Feeder Canal near mouth
9	Cold Creek below Upper Jocko S Canal near mouth	26	North Crow Creek below Pablo Feeder Canal near mouth
10	Jocko River below Upper Jocko S Canal	27	Mud Creek below Ronan B Canal
11	Middle Fork Jocko River below Tabor Feeder Canal near mouth	28	Hot Springs Creek below Camas C Canal near mouth
12	North Fork Jocko River below Tabor Feeder Canal near mouth	29	Hellroaring Creek below Twin Feeder Canal near mouth
13	Falls Creek below Tabor Feeder Canal near mouth	30	Mill Creek below Camas A Canal near mouth
14	S-14 Creek below Tabor Feeder Canal near mouth	31	Little Bitterroot River below Camas A Canal and above Mill Creek
15	Jocko River below Lower J Canal	32	Little Bitterroot River below Camas A Canal Headworks and above Mill Creek
16	Mission Creek below Pablo Feeder Canal	33	Little Bitterroot River below Hot Springs Creek
17	Revais Creek below Revais R Canal below Highway 200		

Minimum Reservoir Pool Elevations

<i>Reservoir</i>	<i>Minimum reservoir pool elevation (feet*)</i>	<i>Minimum pool volume (AF)</i>
Mission Reservoir	3,379	1,006
McDonald Reservoir	3,549	385
Kicking Horse Reservoir	3,049	1,230
Ninepipe Reservoir	2,998	1,905
Pablo Reservoir	3,188	1,425
Lower Crow Reservoir	2,839	2,039
Turtle Lake	3,068	96
Upper Dry Fork Reservoir	2,915	413
Lower Dry Fork Reservoir	2,842	636
Hubbart Reservoir	3,150.4	27

Tabor Reservoir Minimum Reservoir Pool Elevations

<i>Date(s)</i>	<i>Minimum pool elevation (feet*)</i>	<i>Minimum pool volume (AF)</i>	<i>Frequency of occurrence (Years)</i>
Up to Aug 1 st	4,006	18,162	Target for each year, required one in four years
Aug 1 up to Aug 15	3,980	12,119	Target for each year, required three in four years
Aug 15 up to Nov 15	3,927	2,416	Required every year

*elevations are in feet above mean sea level as determined by reference to a certain U.S. Geological Survey bench mark, elevation 2910.882 feet, stamped "2900 N", as now located and established at Somers, Flathead County, or to such other bench marks as may be established by the U.S. Geological Survey having the same datum.

Appendix 3.2: River Diversion Allowances

This appendix specifies the water allocations for River Diversion Allowances (RDAs), as they are defined in Article II – Definitions of the Compact, for RDA administrative areas (see map). River Diversion Allowances are dedicated to serve irrigation headworks or pumping facilities for irrigated lands that are assessed and served by the Flathead Indian Irrigation Project (FIIP). River Diversion Allowances that are used to serve irrigated lands are applicable over the April 15 through September 15 period, and may be extended to no later than October 15. Certain RDAs are defined for conveyance between reservoirs or sources of water supply. Water distribution at these RDAs is not restricted to the April 15 through September 15 or October 15 period, as is specifically noted in tables below.

River Diversion Allowances are specified for wet, normal, and dry years for each RDA administrative area. Wet, normal and dry water year types were determined using natural streamflow information for the April through July runoff forecasting period for streamflow information spanning the 1983-2002 period. Details on the definition of wet, normal and dry years are reported in Appendix 3.7. Details on the annual, or seasonal, determination of water year types – wet, normal, or dry, are in the Adaptive Management Appendix to the Compact (Appendix 3.5).

River Diversion Allowances are reported for administered locations, and administered plus incremental inflow locations. Administered locations are irrigation headworks or pumping facilities where water measurement and seasonal accounting of the RDA volumes will occur. Both volumes and peak capacities are reported for these locations. Incremental inflow locations are areas where small streams or other incidental sources contribute inflows to the FIIP infrastructure; these are not intended for direct administration.

Throughout the RDA tables, af is an abbreviation for acre-feet and cfs is an abbreviation for cubic feet per second.

Jocko Area

Tabor Feeder Canal RDA Administrative Area (RDA not restricted to April 15 – September 15, or October 15 period)

	<i>Wet Year RDA</i>	<i>Normal Year RDA</i>	<i>Dry Year RDA</i>	<i>Peak Flow for administered locations</i>
	in af			in cfs
Administered locations	18,600	28,200	20,400	Location 1 - 150
Administered locations and incremental inflows	23,870	33,700	24,700	Location 2 - 420 Location 3 - 470

Administered locations: 1 - Tabor Feeder Canal at Middle Fork Jocko River (150 cfs), 2 - Tabor Feeder Canal at North Fork Jocko River (420 cfs), 3 - Tabor Feeder Canal below Twin Lakes (470 cfs)

Incremental inflow: Placid Diversions routed into Tabor Feeder Canal, Upper and Lower Jocko Reservoir storage routed into Tabor Feeder Canal, Falls Creek, S-14 Creek, Grizzly Creek

Upper Jocko River RDA Administrative Area

	<i>Wet Year RDA</i>	<i>Normal Year RDA</i>	<i>Dry Year RDA</i>	<i>Peak Flow for administered locations</i>
	in af			in cfs
Administered locations	22,900	24,000	26,500	Location 1 - 50
Administered locations and incremental inflow	24,450	25,700	28,700	Location 2 - 55 Location 3 - 245

Administered locations: 1 - Upper Jocko S Canal at Jocko River (50 cfs), 2 - Upper Jocko S Canal at Big Knife Creek (55 cfs), 3 - Jocko K Canal at headwork's (245 cfs).

Incremental inflow: Placid Diversions routed into Upper S and K Canals, Upper and Lower Jocko Reservoir storage routed into Upper S and K Canals, Cold Creek, Gold Creek, Pellew Creek, Lamoose Creek

Agency / Finley Creek RDA Administrative Area

	<i>Wet Year RDA</i>	<i>Normal Year RDA</i>	<i>Dry Year RDA</i>	<i>Peak Flow for administered locations</i>
	in af			in cfs
Administered locations	6,300	6,100	6,300	Location 1 - 55
Administered locations and incremental inflow	7,100	6,800	7,100	Location 2 - 10 Location 3 - 35 Location 4 - 14 Location 5 - 14 Location 6 - 1

Administered locations: 1 - Upper Jocko S Canal at Agency Creek (55 cfs), 2 - Upper Jocko J Canal at Agency Creek (10 cfs), 3 - Jocko E Canal at Agency Creek (35 cfs), 4 - Jocko E Canal at Finley Creek above siphon (14 cfs), 5 - Jocko N Canal at East Fork Finley Creek (14 cfs), 6 - Doney Ditch at Schley Creek (1 cfs).

Incremental inflow: Tailwater from Upper S Canal at Big Knife Creek, McClure Creek

Lower Jocko River RDA Administrative Area

	<i>Wet Year RDA</i>	<i>Normal Year RDA</i>	<i>Dry Year RDA</i>	<i>Peak Flow for administered locations</i>
	in af			in cfs
Administered locations	1,500	1,700	2,000	Location 1 – 15
No incremental inflows	---	---	---	Location 2 - 35
Administered locations: 1 - Lower Jocko S Canal at Jocko River (15 cfs), 2 - Lower Jocko J Canal at Jocko River (35 cfs)				

Revais Creek RDA Administrative Area

	<i>Wet Year RDA</i>	<i>Normal Year RDA</i>	<i>Dry Year RDA</i>	<i>Peak Flow for administered locations</i>
	in af			in cfs
Administered location	2,000	1,800	1,700	Location 1 - 27
Administered location and incremental inflow	2,500	2,400	2,400	
Administered locations: 1 - Revais R Canal at Revais Creek (27 cfs).				
Incremental inflow: Revais Pump inflow supplied from Lower Jocko J Canal (10.5 cfs)				

Mission Area

Pablo Feeder Canal RDA Administrative Area (RDA not restricted to April 15 – September 15, or October 15 period when the purpose is to convey water to reservoirs)

	<i>Wet Year RDA</i>	<i>Normal Year RDA</i>	<i>Dry Year RDA</i>	<i>Peak Flow for administered locations</i>
	in af			in cfs
Administered locations	86,100	66,400	45,700	Location 1 – 255
Administered locations and incremental inflows	114,100	86,200	58,300	Location 2 – 300
				Location 3 – 220
				Location 4 – 270
				Location 5 – 270
				Location 6 – 470
				Location 7 - 470

Administered locations: 1 - Mission DA Canal below DC Pool (255 cfs), 2 - Mission A Canal below Mission Creek (300 cfs), 3 - Pablo Feeder Canal below Post Creek (220 cfs), 4 - Pablo Feeder Canal below South Crow Creek (270 cfs), 5 - Pablo Feeder Canal at Middle Crow Creek (270 cfs), 6 - Pablo Feeder Canal at North Crow Creek (470 cfs), 7 - Pablo Feeder Canal at Pablo Drop (470 cfs).

Incremental inflow: Reservoir storage and incremental small stream inflows along Pablo Feeder Canal

Upper Mission Creek RDA Administrative Area (RDA not restricted to April 15 – September 15, or October 15 period when the purpose is to convey water to reservoirs)

	<i>Wet Year RDA</i>	<i>Normal Year RDA</i>	<i>Dry Year RDA</i>	<i>Peak Flow for administered locations</i>
	in af			in cfs
Administered locations	31,000	33,800	38,000	Location 1 – 3
Administered locations and incremental inflow	35,200	37,400	40,000	Location 2 – 1 Location 3 – 27 Location 4 – 60 Location 5 – 100 Location 6 – 10 Location 7 – 250 Location 8 – 70

Administered locations: 1 - DC-2 Lateral at Dry Creek Lining (3 cfs), 2 - Cold Creek Ditch at Cold Creek (1 cfs), 3 - Mission F Canal at headwork's (27 cfs), 4 - Mission B Canal at Mission Creek (60 cfs), 5 - Mission C Canal at Mission Creek (100 cfs), 6 - Mission 6C Canal at Mission Creek (10 cfs), 7 - Kicking Horse Feeder Canal at Post Creek (250 cfs), 8 - Post F Canal at Post Creek (70 cfs).

Incremental inflow: Return flow reuse from irrigation losses, incremental small stream inflows

Lower Mission Creek RDA Administrative Area

	<i>Wet Year RDA</i>	<i>Normal Year RDA</i>	<i>Dry Year RDA</i>	<i>Peak Flow for administered locations</i>
	in af			in cfs
Administered location	1,000	1,000	1,000	Location 1 - 15
No incremental inflows	---	---	---	

Administered location: 1 - Mission H Canal at Mission Creek (15 cfs)

Upper Crow Creek RDA Administrative Area (RDA not restricted to April 15 – September 15, or October 15 period when the purpose is to convey water to reservoirs)

	<i>Wet Year RDA</i>	<i>Normal Year RDA</i>	<i>Dry Year RDA</i>	<i>Peak Flow for administered locations</i>
	in af			in cfs
Administered locations	15,300	14,000	11,700	Location 1 – 275
Administered locations and incremental inflow	16,300	15,000	12,800	Location 2 – 22 Location 3 - 24

Administered locations: 1 - South Crow Feeder Canal at South Crow Creek (275 cfs), 2 - Crow Pump Canal at Crow Creek (22 cfs), 3 - Ronan B Canal at Mud Creek (24 cfs)

Incremental inflow: Pablo Feeder Canal from Mission South Area, return flow reuse from irrigation losses

Lower Crow Creek RDA Administrative Area

	<i>Wet Year RDA</i>	<i>Normal Year RDA</i>	<i>Dry Year RDA</i>	<i>Peak Flow for administered locations</i>
	in af			in cfs
Administered locations	20,000	20,000	20,000	Location 1 – 100
No incremental inflows	---	---	---	Location 2 - 30
Administered locations: 1 - Moiese A Canal at Crow Creek (100 cfs), 2 - Hillside Ditch (30 cfs)				

Hellroaring/Centipede/Bisson Creek RDA Administrative Area

	<i>Wet Year RDA</i>	<i>Normal Year RDA</i>	<i>Dry Year RDA</i>	<i>Peak Flow for administered locations</i>
	in af			in cfs
Administered locations	1,400	1,400	1,400	Location 1 – 15
No incremental inflows	---	---	---	Location 2 – 15
				Location 3 - 8
Administered locations: 1 - Twin Feeder Canal at Hellroaring Creek (15 cfs), 2 - Twin Feeder Canal at Centipede Creek (15 cfs), 3 - Lower Twin Feeder Canal at Bisson Creek (8 cfs)				

Pablo A Canal RDA Administrative Area

	<i>Wet Year RDA</i>	<i>Normal Year RDA</i>	<i>Dry Year RDA</i>	<i>Peak Flow for administered locations</i>
	in af			in cfs
Administered location	45,400	47,100	49,900	Location 1 – 420
No incremental inflows	---	---	---	
Administered location: 1 – Pablo A Canal below Pablo Reservoir (420 cfs)				

Flathead River Pumping Plant RDA (RDA not restricted to April 15 – September 15, or October 15 period)

<i>Administration area type</i>	<i>RDA</i>	<i>Peak Flow for Pumping Plant</i>
	in af	in cfs
Administered location	65,000	210

Little Bitterroot Area**Little Bitterroot River RDA Administrative Area**

	<i>Wet Year RDA</i>	<i>Normal Year RDA</i>	<i>Dry Year RDA</i>	<i>Peak Flow for administered locations</i>
	in af			in cfs
Administered location	18,000	18,000	18,000	Location 1 - 90
Administered location: 1 - Camas A Canal at Mill Creek (90 cfs)				

Off-Reservation Areas**Placid Canal Diversion RDA (RDA not restricted to April 15 – September 15, or October 15 period)**

<i>Administration area type</i>	<i>RDA</i>	<i>Peak Flow for administered locations</i>
	in af	in cfs
Administered location	10,000	Location 1 - 120
Administered location: 1 – Placid Canal Diversion (120 cfs)		

McGinnis Diversion RDA (RDA not restricted to April 15 – September 15, or October 15 period)

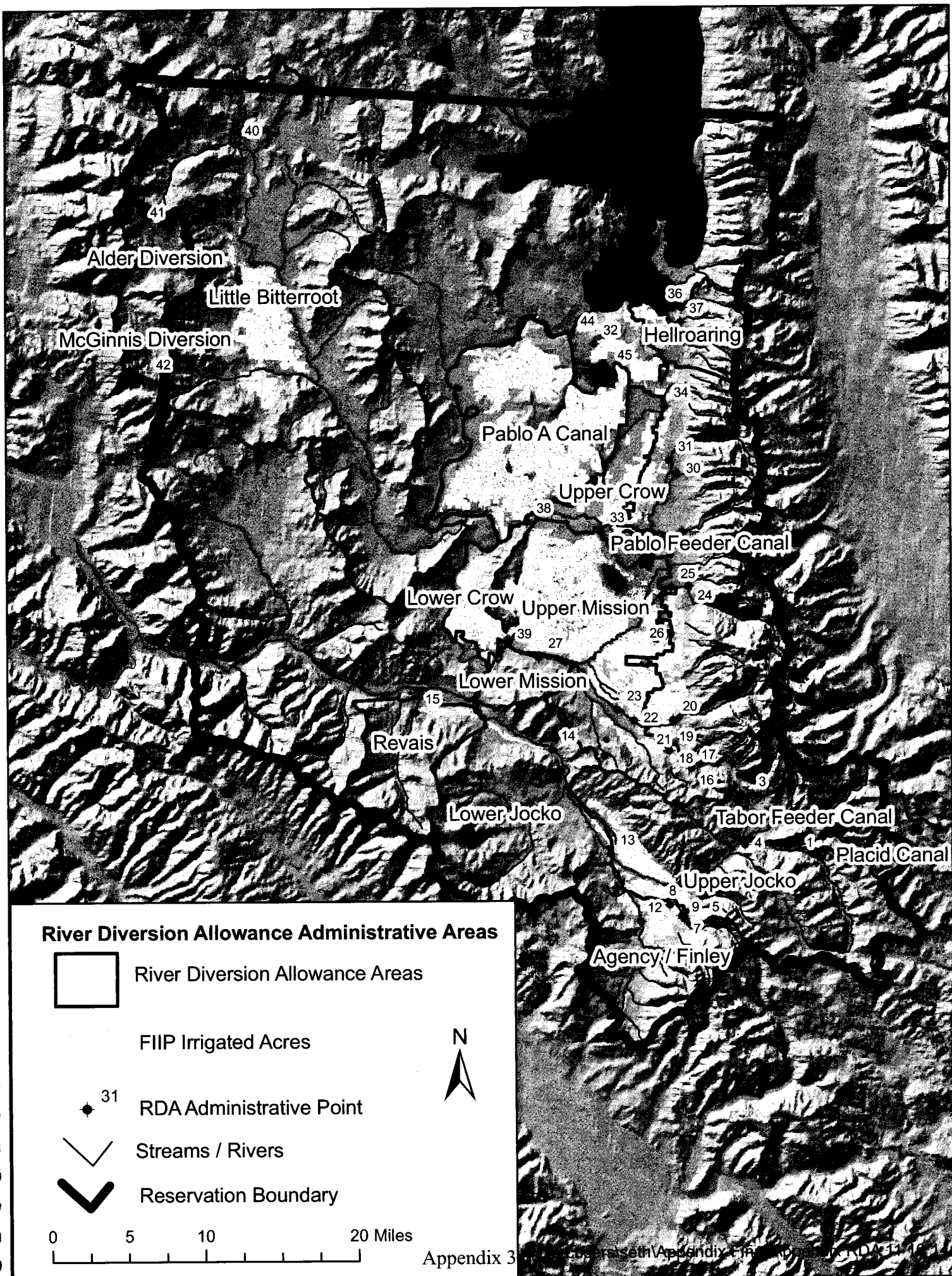
<i>Administration area type</i>	<i>RDA</i>	<i>Peak Flow for administered locations</i>
	in af	in cfs
Administered location	1,800	16
Administered location: 1 – McGinnis Diversion (16 cfs)		

Alder Diversion RDA (RDA not restricted to April 15 – September 15, or October 15 period)

<i>Administration area type</i>	<i>RDA</i>	<i>Peak Flow for administered locations</i>
	in af	in cfs
Administered location	3,500	45
Administered location: 1 – Alder Diversion (45 cfs)		

Table associating RDA administrative point numeric labels with administrative point name on map

Point	RDA point name	Point	RDA point name
1	Tabor Feeder Canal at Middle Fork Jocko	23	Mission 6C Canal at headworks below Mission
2	Tabor Feeder Canal at North Fork Jocko	24	Pablo Feeder Canal below Post Creek
3	Tabor Feeder Canal below Twin Lakes	25	Kicking Horse Feeder Canal at headworks below
4	Upper Jocko S Canal at the Jocko River	26	Post F Canal at headworks below Post Creek
5	Upper Jocko S Canal at Big Knife Creek	27	Mission H Canal at headworks below Mission
6	Jocko K Canal at Jocko River	28	Pablo Feeder Canal at headworks below South
7	Upper Jocko S Canal at Agency Creek	29	South Crow Feeder Canal at headworks below
8	Jocko E Canal at Agency Creek	30	Pablo Feeder Canal at headworks below Middle
9	Upper Jocko J Canal at headworks below	31	Pablo Feeder Canal at headworks below North
10	Jocko N Canal at East Finley Creek	32	Pablo Feeder Canal at Pablo Drop
11	Doney Ditch at Schley Creek	33	Crow Pump Canal at headworks below Crow
12	Jocko E Canal at Finley Creek	34	Ronan B Canal at headworks below Mud Creek
13	Lower Jocko S Canal on Jocko River below	35	Lower Twin Feeder Canal at headworks below
14	Lower Jocko J Canal at Jocko River	36	Twin Feeder Canal at headworks below
15	Revais R Canal at Revais Creek	37	Twin Feeder Canal below Centipede Creek
16	Cold Creek Ditch at Cold Creek	38	Moiese A Canal at headworks below Crow Creek
17	DC-2 lateral at Dry Creek lining	39	Hillside Ditch at headworks
18	Mission F Canal at headworks below DC	40	Camas A Canal at headworks below Mill Creek
19	Mission DA Canal below DC pool	41	Alder Ditch at headworks below Alder Creek
20	Mission A Canal at Mission Creek	42	McGinnis Creek at headworks below McGinnis
21	Mission B Canal at headworks below	43	Placid Canal at headworks below Placid Creek
22	Mission C Canal at headworks below	44	Flathead River Pumping Plant
		45	Pablo A Canal below Pablo Reservoir



Appendix 3.3: Historic Farm Deliveries

This appendix reports Historic Farm Deliveries, as they are defined in Article II - Definitions of the Compact, for River Diversion Allowance (RDA) administrative areas encompassing irrigated lands that are assessed and served by the Flathead Indian Irrigation Project (see map). There are RDA administrative areas that do not have any associated Historic Farm Delivery values. These circumstances occur when RDA administrative areas are defined specifically to report water conveyed between reservoirs or sources of water supply.

Historic Farm Deliveries are reported for wet, normal and dry years, which were determined using April through July streamflow information for the 1983-2002 period. Details on the definition of wet, normal and dry years are reported in Appendix 3.7. Details on how the water year types (i.e., wet, normal, or dry) are applied for water management are found in the Adaptive Management Appendix to the Compact (Appendix 3.5).

Jocko Area

Jocko Valley Historic Farm Deliveries

<i>RDA administrative area</i>	<i>Wet year</i>	<i>Normal Year</i>	<i>Dry Year</i>
<i>values in acre-feet per irrigation season</i>			
Upper Jocko River	7,336	7,164	7,180
Agency/Finley Creek	3,693	3,529	3,634
Lower Jocko River	698	665	684
Revais Creek	1,129	1,106	1,136

Mission Area

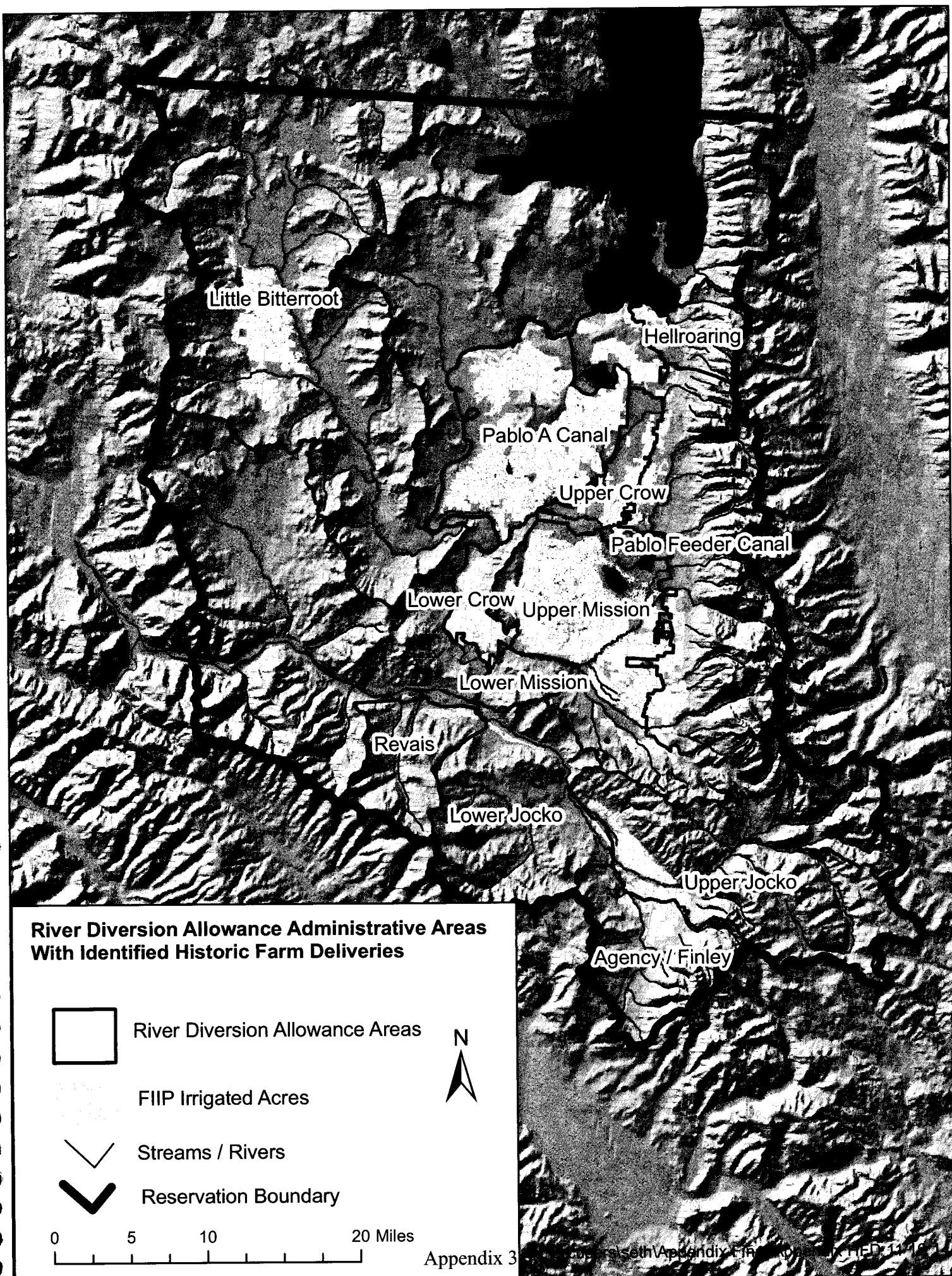
Mission Valley Historic Farm Deliveries

<i>RDA administrative area</i>	<i>Wet year</i>	<i>Normal Year</i>	<i>Dry Year</i>
<i>values in acre-feet per irrigation season</i>			
Pablo Feeder Canal	14,864	15,723	16,806
Upper Mission Creek	37,586	38,967	40,895
Lower Mission Creek	304	313	340
Upper Crow Creek	4,556	4,790	5,119
Lower Crow Creek	7,639	7,621	8,004
Pablo A Canal	38,941	40,530	42,927
Hellroaring/Centipede/Bisson	1,213	1,268	1,351

Little Bitterroot Area

Little Bitterroot Valley Historic Farm Deliveries

<i>RDA administrative area</i>	<i>Wet year</i>	<i>Normal Year</i>	<i>Dry Year</i>
<i>values in acre-feet per irrigation season</i>			
Little Bitterroot	13,302	13,297	13,848



Appendix 3.4: Implementation Schedule

This appendix to the Compact specifies implementation schedules for Operational Improvement actions that modernize Flathead Indian Irrigation Project (FIIP) water management procedures and improve the Compact Implementation Technical Team's (CITT) ability to plan for and manage natural and regulated streamflows, reservoir storage, and allocation between instream and irrigation uses of water. Tables in this appendix provide the overall planning schedule for Operational Improvements, and provide the planning schedule for Operational Improvements within each geographic area.

Incremental implementation of Minimum Enforceable (MEFs) and Target Instream Flows (TIFs), Minimum Reservoir Pool Elevations, and River Diversion Allowances (RDAs) will occur as Operational Improvements are implemented. MEF, TIF, RDA and Minimum Reservoir Pool Elevations will become enforceable when Operational Improvements are completed following the schedules found in the tables below.

The Parties recognize that State and Federal appropriations to implement Operational Improvements may not be sufficient to cure all deficiencies on the FIIP. Recognizing this, full enforcement of the MEF, TIF, RDA and Minimum Reservoir Pool Elevations will not be delayed if the full appropriation from State or Federal sources that is directed to Operational Improvements occurs, but is not sufficient to meet all deficiencies the Operational Improvement is targeted to address.

Irrigation diversion headworks automation is an Operational Improvement that will require State and Federal appropriations for Operational Improvements and Federal appropriations for Rehabilitation and Betterment to complete. Recognizing this, completion of diversion headworks automation will not be applied as a condition to determine when Operational Improvements are complete.

A list of Operational Improvements is set forth in Appendix 3.4. This list may be modified by the CITT as provided in Appendix 3.5. Any such modification is pursuant to, and shall not be deemed an amendment of, this Compact.

Table 1.0: Overall Schedule for Implementation of Operational Improvements

	mid-2015	2015	2016	2017	Effective Date	Effective Date + 1 year	Effective Date + 2 years	Effective Date + 3 years	Effective Date + 4 years	Effective Date + 5 years	Effective Date + 6 years	Effective Date + 7 years	Effective Date + 8 years
1. Comprehensive Actions FIIP-Wide	Montana Legislative Approval of Compact												
a. CITT * Formation													
b. CITT Water Management Coordination													
c. CITT Water Measurement													
d. CITT Onfarm Efficiency Improvements													
e. CITT Stockwater Mitigation													
c. FIIP Modernization Plan													
d. Forecasting Procedures													
e. Develop Web-Based Irrigation Management Tools													
f. CITT Website													
2. Geographically-Focused Actions													
a. Mission Valley South													
b. Mission Valley North													
c. Jocko Valley													
d. Little Bitterroot Valley													
* CITT - Compact Implementation Technical Team													

Full MEF and TIF Instream Flow and River Diversion Allowance Enforcement occurs

Notes

- 1 Comprehensive Actions FIIP-Wide refers to Operational Improvements, or other actions, that are applicable across the FIIP footprint, and are implemented with this perspective.
- 2 Geographically Focused Actions refers to the schedule for implementation of targeted Operational Improvements following a priority scheme for each geographic area.
- 3 Water Measurement, Onfarm Efficiency Improvements and Stockwater mitigation are identified as FIIP-Wide Actions, however implementation of these actions is planned to partially occur following geographic priorities.

Table 2.0: FIIP-Wide Planning for, and Implementation of, Operational Improvement Actions				
	mid-2015	2015	2016	2017
Comprehensive Actions FIIP-Wide				
<u>1. CITT* Formation</u>				
<i>a. Parties and Project Operator Form CITT following Compact process</i>				
<u>2. CITT Water Management Coordination</u>				
<u>3. FIIP Modernization Plan</u>				
<i>a. CITT Finalize Scope of Work</i>				
<i>b. CITT Contract for Service</i>				
<i>c. CITT/Contractor Prepare Draft Plan</i>				
<i>d. Outside Review and CITT/Contractor Completion of Plan</i>				
<u>4. Forecasting Procedures</u>				
<i>a. CITT Contract for Service</i>				
<i>b. CITT/Contractor Complete Forecast Workproduct</i>				
<u>5. Web-Based Irrigation Water Management/Scheduling Tools</u>				
<i>a. State/CITT Develop Web-Based Irrigation Management Tools</i>				
<u>6. CITT Website Development</u>				
<i>a. CITT Define Website Functionality</i>				
<i>b. CITT Contract for Service</i>				
<i>c. Contractor Complete Website Workproduct</i>				
<u>7. CITT Reporting and Data Dissemination</u>				
<i>a. CITT Prepare Annual Water Measurement/Management Report</i>				
<i>b. CITT Maintains Information on Website</i>				
* CITT - Compact Implementation Technical Team				

Table 3.0: Schedule for Implementation of Operational Improvements: Mission Valley South

	Effective Date	Effective Date + 1 year	Effective Date + 2 years	Effective Date + 3 years	Effective Date + 4 years
1. CITT Water Management Coordination					
2. Water Measurement					
a. CSKT - Streams and Instream Flow Sites					
b. CSKT - Administered RDA sites					
c. CSKT - Reservoirs					
d. CSKT - Irrigation Return Flows					
e. Project Operator - Lateral Canals					
f. Project Operator - Farm Delivery Locations					
3. Operations Model					
a. CITT Scope of Model Work					
b. CITT Contract for Services					
c. CITT/Contractor Construct Model					North Areas
d. CITT Run and Maintain Model					
4. Farm Delivery Accounting					
a. CITT Scope of Accounting System		Accounting System applies FIIP-Wide			
b. CITT Contract for Services			FIIP-Wide		
c. CITT/Contractor Construct Accounting System					
d. Project Operator Populate Accounting System					ey South
e. Project Operator Run and Maintain Model					
5. Onfarm Efficiency Improvements					
a. State/CITT Cost-Share Onfarm Conservation Practices					
6. Stockwater Mitigation					
a. State/CITT Cost-Share Stockwater Developments					
7. Irrigation Diversion Headworks Automation					
a. Retrofit Certain Diversion Structures to Support Automation					

→ Full MEF and TIF Instream Flow and River Diversion Allowance Enforcement occurs

Notes

1 Several actions identified in this table are planned for partial implementation prior to the Effective Date as identified in Table 1.0

Table 4.0: Schedule for Implementation of Operational Improvements: Mission Valley North

	Effective Date + 2 years	Effective Date + 3 years	Effective Date + 4 years	Effective Date + 5 years	Effective Date + 6 years
1. CITT Water Management Coordination					
2. Water Measurement					
a. CSKT - Streams and Instream Flow Sites					
b. CSKT - Administered RDA sites					
c. CSKT - Reservoirs					
d. CSKT - Irrigation Return Flows					
e. Project Operator - Lateral Canals					
f. Project Operator - Farm Delivery Locations					
3. Operations Model					
a. CITT/Contractor Construct Model			Modeling applies to Mission Valley South and North Areas		
b. CITT Run and Maintain Model					
4. Farm Delivery Accounting					
a. Project Operator Populate Accounting System			Applies to Mission Valley North		
b. Project Operator Run and Maintain Accounting System					
5. Onfarm Efficiency Improvements					
a. State/CITT Cost-Share Onfarm Conservation Practices					
6. Stockwater Mitigation					
a. State/CITT Cost-Share Stockwater Developments					
7. Irrigation Diversion Headworks Automation					
a. Retrofit Certain Diversion Structures to Support Automation					

Notes

1 Several actions identified in this table are planned for partial implementation prior to the Effective Date as identified in Table 1.0

Table 5.0: Schedule for Implementation of Operational Improvements: Jocko Valley

	Effective Date + 3 years	Effective Date + 4 years	Effective Date + 5 years	Effective Date + 6 years	Effective Date + 7 years
1. CITT Water Management Coordination					
2. Water Measurement					
a. CSKT - Streams and Instream Flow Sites					
b. CSKT - Administered RDA sites					
c. CSKT - Reservoirs					
d. CSKT - Irrigation Return Flows					
e. Project Operator - Lateral Canals					
f. Project Operator - Farm Delivery Locations					
3. Operations Model					
a. CITT Scope of Model Work					
b. CITT Contract for Services					
c. CITT/Contractor Construct Model					
d. CITT Run and Maintain Model					
4. Farm Delivery Accounting					
a. Project Operator Populate Accounting System			Applies to Jocko Valley		
b. Project Operator Run and Maintain Accounting System					
5. Onfarm Efficiency Improvements					
a. State/CITT Cost-Share Onfarm Conservation Practices					
6. Stockwater Mitigation					
a. State/CITT Cost-Share Stockwater Developments					
7. Irrigation Diversion Headworks Automation					
a. Retrofit Certain Diversion Structures to Support Automation					

Full MEF and TIF Instream Flow and River Diversion Allowance Enforcement occurs

Notes

- 1 Several actions identified in this table are planned for partial implementation prior to the Effective Date as identified in Table 1.0

- d. Irrigator Representation on the CITT.
 - i. In the event FIIP operational control is transferred to irrigators served by the FIIP, the CITT position occupied by the FIIP irrigator representative will become an "at large" position to be selected by the other four CITT members.
 - ii. In the event that the irrigators served by the FIIP are unable to select a representative, the seat will remain vacant and the CITT will carry out its responsibilities as described herein and in Article IV.G.
- e. Each Party will select one representative to serve on a three-member review board to be termed the Compact Management Committee (CMC) as set forth in Article IV.G.5. The roles and responsibilities of the CMC are described in Article IV.G.5.
- f. On formation, the CITT shall establish its own operating rules and shall provide for removal of CITT members for cause. Failure to vote with the majority is not cause for removal. CITT members must agree to diligently implement these Adaptive Management provisions and any other applicable Compact provisions.
- g. The Parties agree to coordinate with the Project Operator regarding Adaptive Management upon formation of the CITT. The Parties further agree to initiate CITT responsibilities for implementation of Operational Improvements according to the schedule set forth in Appendix 3.4 as settlement appropriations become available.
- h. The Parties recognize that title to the FIIP remains with the United States, and that any Operational Improvements or Rehabilitation and Betterment Projects that affect FIIP's real property interests are subject to the approval of the United States, acting through the BIA. It is anticipated that BIA approval shall be obtained through its participation as a member of the CITT; however, situations may occur where explicit BIA approval is necessary. In those situations the CITT shall request such changes in writing to the BIA and shall include a sufficiently detailed description of the contemplated work to allow evaluation. If BIA does not deny the request or grant it with conditions within 30 days of its submittal, it shall be deemed granted. If BIA denies the request or grants it with conditions, the action may be appealed under Title 25, Part 2, Code of Federal Regulations.
- i. The CITT is responsible for the allocation of water between instream and irrigation uses based on the projected and realized annual water supply. The Parties agree that the CITT may adjust allocations throughout the irrigation season, based on water supply, seasonal climate variability, and irrigation management considerations. At all times, the CITT shall comply with the Compact and appendices setting forth MEFs, TIFs, and RDAs in its allocation of water.

- j. The CITT shall consult with staff within or outside of their respective organizations, including the Montana Bureau of Mines and Geology, to address technical issues that involve questions outside the expertise of the CITT members.
- k. The CITT shall comply with applicable Tribal, Federal, and State law during all aspects of project planning and implementation.

3. Responsibilities of the Compact Implementation Technical Team

- a. **Planning, Design, and Implementation of Adaptive Management Tools Prior to the Effective Date** – Upon formation, the CITT shall engage in planning, design, and implementation of Adaptive Management prior to the effective date as settlement funds are appropriated. The CITT shall design and implement these programs according to the schedule set forth in Appendix 3.4.
 - i. The CITT shall plan for and implement a comprehensive water measurement program.
 - ii. The CITT shall devise a quality assurance protocol for implementation of the measurement program.
 - iii. The CITT shall plan for and complete the development of the hydrologic and data management and reporting protocols described in 3.d.
 - iv. The CITT shall plan for and prioritize implementation of Operational Improvements according to the schedule provided in Appendix 3.4 as settlement funds become available both prior to and following the Effective Date.
 - v. The Tribes in consultation with the CITT shall plan for and prioritize implementation of Rehabilitation and Betterment Projects as settlement funds become available both prior to and following the Effective Date according to the schedule set forth in Appendix 3.6.
 - vi. The CITT shall plan, prioritize, and implement Stock Water mitigation measures according to the schedule provided in Appendix 3.4 as settlement funds become available both prior to and following the Effective Date.
 - vii. The CITT shall plan, prioritize, and implement on-farm efficiency measures according to the schedule provided in Appendix 3.4 as settlement funds become available both prior to and following the Effective Date.
 - viii. The CITT shall plan, prioritize, and implement farm delivery accounting measures according to the schedule provided in Appendix 3.4 as settlement funds become available both prior to and following the Effective Date.

- ix. The CITT shall enter into agreements with the appropriate State and Federal agencies to accept and expend funds to carry out CITT duties and implement Operational Improvements and Rehabilitation and Betterment Projects.
- b. **River Diversion Allowance Evaluation Process:** The CITT shall implement the RDA evaluation process in Article IV.D.1.e.
- c. **Shared Shortages Provision:** The CITT shall determine and communicate to the public when Shared Shortages conditions begin and end pursuant to the Shared Shortages provision in Article IV.E.
- d. **Water Measurement:**
 - i. The CITT shall implement the measurement program described above according to the schedule contained in Appendix 3.4 as settlement funds become available.
 - ii. The CITT shall ensure that water measurement instrumentation, data collection, and data management follow the quality assurance protocol developed according to 3.a.ii. above.
 - iii. The CITT shall ensure that data management systems are shared among the Parties and the Project Operator.
 - iv. The CITT shall ensure that water measurement information is made available to the public at regular intervals in a timely manner, and shall cause a website to be developed and maintained for that purpose.
 - v. The Tribes shall install and maintain water measurement equipment and shall manage data at Instream Flow sites and additional streamflow locations, at reservoirs, at RDA diversion works and FIIP irrigation wasteway locations.
 - vi. The Project Operator shall be responsible for the installation and maintenance of water measurement equipment and the management of data for lateral canal diversion works and on-farm diversion locations.
 - vii. The CITT shall produce an annual report of findings for the full water measurement program.
- e. **Water Management Planning Tools** – The CITT shall develop or commission development of water management planning tools to support FIIP water management and Adaptive Management according to the implementation schedule provided in Appendix 3.4.

- i. The CITT shall apply hydrologic and meteorological information to refine the classification of wet, normal, and dry Natural Flow water-year types set forth in Appendix 3.7. This process involves the designation of increments of water-year types between wet, normal and dry years and updates of water year-types to a new base period.
 - ii. The CITT shall develop water supply forecast procedures to plan for and allocate seasonal runoff that include long-range and seasonal forecast tools.
 - iii. The CITT shall develop water supply forecast procedures that provide the flexibility to shift MEF and TIF monthly and weekly enforceable flow rates to mimic anticipated runoff patterns.
 - iv. The CITT shall develop operational models or tools that provide for short-term (weekly to daily) instream flow and irrigation water supply adjustments. The Project Operator, in consultation with the CITT, may refine and update operational models or tools.
 - v. The CITT shall develop a water accounting program to track and report water measurement data collected by the Project Operator for lateral canal diversion works and on-farm delivery locations.
- f. **Water Management Coordination** – The CITT shall meet regularly to implement the provisions of Adaptive Management; at a minimum at the frequency defined below, and additionally as needed. The CITT may agree to alter the frequency of meetings.
- i. The responsibility to schedule, chair, and record water management coordination meetings will rotate on an annual basis, with the Tribes assigned that responsibility in year one.

Approximate date	Purpose of Meeting
End of January	Review reservoir carryover and initial projection of water supply, tentatively categorize water-year type
End of February	Review reservoir carryover and initial projection of water supply, tentatively categorize water-year type, set March wet and normal year streamflow targets, modify MEF timing (if applicable) to match anticipated snowmelt runoff
End of March	Refine projection of water supply, tentatively categorize water-year type, and set April wet and normal streamflow targets, modify MEF timing (if applicable) to match anticipated snowmelt runoff
Mid-April	Refine projection of water supply, categorize water-year type, update wet and normal streamflow targets for the month, set initial RDAs based on water year type, modify MEF timing (if applicable) to match anticipated snowmelt runoff
Early May	Refine projection of water supply, update water-year type (if applicable), set wet and normal streamflow targets for the month, review initial RDAs based on water year type, taking into account any changes in water year type, modify MEF timing (if applicable) to match anticipated snowmelt runoff
Mid-May	Refine projection of water supply, update water-year type, update wet and normal streamflow targets for the month, update RDAs based on any changes in water year type, modify MEF timing (if applicable) to match anticipated snowmelt runoff
Early June	Refine projection of water supply, update water-year type (if applicable), set wet and normal streamflow targets for month, quantify portion of RDAs used to date, modify MEF timing (if

	applicable) to match anticipated snowmelt runoff
Mid June	Finalize projection of water supply and water-year type, update wet and normal streamflow targets for month, modify RDAs based on any changes in water year type, modify MEF timing (if applicable) to match anticipated snowmelt runoff
Early July	Set wet and normal streamflow targets for the month, evaluate RDAs, quantify portion of RDAs used to date
Mid July	Update wet and normal streamflow targets for the month
Early August	Set wet and normal streamflow targets for the month, evaluate RDAs, quantify portion of RDAs used to date
Early September	Set wet and normal streamflow targets for the month, quantify portion of RDAs used to date
Early October	Discuss annual reporting and water operations for the completed irrigation season, develop long-range forecast based on climatic indicators
Early December	Finalize annual reporting of water measurement, refine long-range forecast based on climatic indicators

g. Within-Year Water Management Planning and Allocation – The CITT shall make decisions based on water measurement, water availability, climatic variability, and irrigation management considerations to allocate water between Instream Flows and irrigation uses. At all times, these decisions shall comply with the provisions of the Compact and the appendices defining the MEFs, TIFs, and RDAs, each of which may be uniquely described by water-year type at a particular location, except that weekly or monthly adjustments to certain MEFs and TIFs may be made as provided in items 3.g.ii and iii, below. These adjustments are made pursuant to, and are not considered amendments of, the Compact.

- i. The CITT shall define TIFs (if applicable) and RDAs for a given year based on a determination of the water-year type following the coordination schedule set forth in Section 3.e, above. The CITT may adjust those levels throughout the planning period and irrigation season based on changing water supply, climate, or irrigation management conditions.
- ii. The CITT may agree to modify MEFs and TIFs (if applicable) by moving the MEF and TIF schedule for a given month either forward in time one month or backward in time one month between March 1 and July 31.
- iii. After the water management planning tools described in Section 3.e.i through 3.e.iv have been constructed and are operational, the CITT may modify the MEFs and TIFs by adjusting to weekly MEFs and TIFs that are distributed so as to mimic Natural Flows. The weekly values must cumulatively equal the monthly MEF and TIF volumes for the month during which this adjustment is made. Such adjustment may only be made between March 1 and July 31.

h. Operational Improvements – The CITT shall plan for and prioritize projects that are described in Appendix 3.4.

- i. The CITT may adjust or reorder the schedule set forth in Appendix 3.4 in response to changes to the expected availability of settlement contributions, experience implementing Operational Improvements, and other factors that justify such adjustment or reordering. The CMC shall review and approve such adjustment or reordering.

- ii. The CITT shall plan for, design, and complete any necessary environmental and engineering review of Operational Improvements.
- iii. As Operational Improvements are completed, and prior to full enforcement of MEFs and TIFs, the CITT shall transfer water saved through Operational Improvements incrementally to the corresponding MEF and TIF locations.
- i. **Rehabilitation and Betterment** – The CITT shall plan for and prioritize FIIP Rehabilitation and Betterment actions set forth in Appendix 3.6.
 - i. The CITT shall plan for, design, and complete environmental and engineering review of Rehabilitation and Betterment actions set forth in Appendix 3.6. These actions shall be implemented as settlement funds become available.
 - ii. The Tribes shall have the authority over Rehabilitation and Betterment actions that use funding from the Federal contribution to settlement.
- j. **Reallocated Water from Rehabilitation and Betterment**
 - i. The CITT shall directly measure water available for reallocation following a Rehabilitation and Betterment action. If direct measurement is not practicable, the CITT shall estimate Reallocated Water. The CITT shall assign Reallocated Water to one or more Instream Flow locations following a Rehabilitation and Betterment action. Reallocated Water may be assigned to an Instream Flow location as a seasonal or monthly volume.
 - ii. Once sufficient water has been reallocated to ensure that MEFs and TIFs are satisfied in every year, all additional Reallocated Water shall be split equally between Instream Flows and the FIIP Water Use Right as set forth in Article IV.C.2. The CITT shall determine when this condition occurs, and to which Instream Flow and RDA Area Reallocated Water will be assigned.
 - a. The CITT shall develop a reallocation report for each Rehabilitation and Betterment project, or group of related projects. Each reallocation report shall be submitted to the Project Operator and the Office of the Engineer.
 - b. The reallocation report shall, at minimum, include:
 - 1. A description of the Rehabilitation and Betterment project(s), or other actions, that form the basis for Reallocated Water;
 - 2. The seasonal volume or flow rate of Reallocated Water;

3. The Instream Flow or RDA Area to which Reallocated Water will be assigned; and
4. Water requirements for resource mitigation, if applicable.

The reallocation report shall be made available on the CITT website.

- iii. Upon completion of each reallocation report, the MEFs and TIFs will be incrementally increased and the RDA evaluation process set forth in Article IV.D.1.d will be applied to ensure that Historic Farm Deliveries are met.
- iv. The CITT shall maintain a complete record of reallocation reports and supporting data.
- v. The CITT shall maintain a tracking database to record changes in Instream Flows and RDAs attributable to Reallocated Water.
- vi. The CITT shall determine whether resource mitigation is required, and the conditions applicable to mitigation, for Water Rights Arising Under State Law and the Tribal Water Right as a result of Rehabilitation and Betterment projects. Resource mitigation requirements will be developed by the CITT according to the following principles:
 - a. In all circumstances, resource mitigation requirements shall be based on water measurement or estimates applied for a particular Rehabilitation and Betterment project.
 - b. Where an amount of water is required for resource mitigation, the water may be supplied from Reallocated Water or from other sources of water if use of those sources is more practicable.
 - c. Where there are costs associated with resource mitigation, those costs shall be provided from funds associated with the Rehabilitation and Betterment project that necessitated the resource mitigation.
 - d. Mitigation of impact to Water Rights Arising Under State Law and the Tribal Water Right may be accomplished using funds allocated for this purpose.

Appendix 3.6: Rehabilitation and Betterment

This appendix to the Compact identifies rehabilitation and betterment projects for the Flathead Indian Irrigation Project (FIIP). Projects are listed in relative order of priority. The priority scheme may be modified by the Compact Implementation Technical Team, as identified in Appendix 3.5 to the Compact. Rehabilitation and Betterment projects that are identified are intended to be supported from Federal appropriations. As such, implementation of projects cannot be guaranteed until Federal appropriations are specifically made available. The full list of projects may not be completed if funds are insufficient to complete the work, and it is not a requirement of the Compact that all rehabilitation and betterment projects be completed. The Compact Implementation Technical Team shall plan for and prioritize rehabilitation and betterment projects as identified in Appendix 3.5.

The Tribes shall have the authority over Rehabilitation and Betterment actions that use funding from the Federal contribution to settlement.

Rehabilitation and betterment projects are intended to benefit fishery and wildlife resources, irrigation project infrastructure and ongoing operation and maintenance of the FIIP. Specific projects will lead to water savings or improved utilization of existing irrigation project water supply sources. Most of the projects share benefits across these categories.

List of Projects

- 1. Irrigation canal lateral and sub-lateral rehabilitation and betterment implemented based on the following geographic priorities: 1) Mission Valley south of Crow Creek; 2) Mission Valley north of Crow Creek; 3) Jocko Valley; and 4) Little Bitterroot Valley**

Project Scope: The majority of canal laterals and sub-laterals within FIIP service areas are gravity earthen canals, and there are well over 200 miles of this type of canal on the FIIP. Canal rehabilitation is distributed into four geographic areas due to the large scope of the project and the Parties' focus to phase in instream flows and river diversion allowances and to reduce or eliminate irrigation tailwater by geographic area.

Due to the large extent of gravity earthen canals across the FIIP, and the high cumulative cost to replace open canals with pipe, not all lateral and sub-lateral canals will be rehabilitated. The proposed rehabilitation detailed below identifies target canal lengths to be rehabilitated by geographic area.

Currently the FIIP distributes water based on a gravity canal network, generally designed for irrigation practices of the early 1900s. Lateral and sub-lateral rehabilitation provides an opportunity to modernize portions of the FIIP, and apply best irrigation management practices which conform to current standards. Prior to project implementation in any geographic area, a design planning phase will be completed to evaluate opportunities to re-align canals and reduce diversions, while maintaining service to assessed acres and valid farm turnouts on the FIIP.

Current Condition: Canals are shaped in native earth materials and have varying, but generally high rates of seepage. Condition varies, but lateral and sub-lateral canal prisms are generally deteriorated and in constant need of maintenance. Smaller water management structures are generally in a deteriorated to critically deteriorated condition. Open canals are difficult to regulate without allowing high tailwater losses.

Proposed Rehabilitation: Details for this rehabilitation and betterment project category will be developed during the pre-design phase but general criteria are listed as follows:

- Rehabilitation and betterment will, in most instances, target replacement of gravity earthen canals with pipe, although there may be individual canal sections where an open canal section is preferable.
- Focus for this project will be to rehabilitate lateral and sub-lateral canals with peak discharges less than 100 cfs, but in most instances peak canal discharge will be less than 40 cfs.
- Pipe material options will be defined during design planning, but may include reinforced concrete pipe (RCP), high density polyethylene (HDPE) pipe, and polyvinyl chloride (PVC) pipe.
- Water management structures, onfarm delivery points, and stock water access points will be integrated into specific project designs.
- Lateral and sub-lateral rehabilitation will be planned to support and optimize both canal water measurement and onfarm delivery water measurement.

Target Miles for Lateral and sub-lateral canal rehabilitation and betterment	
Mission Valley south of Crow Creek	42 miles
Mission Valley north of Crow Creek	24 miles
Jocko Valley	18 miles
Little Bitterroot Valley	6 miles

Project Benefits: Lateral and sub-lateral rehabilitation will lead to water saving through reduced conveyance losses and will improve instream flow levels. Lateral and sub-lateral rehabilitation will reduce operation and maintenance costs for FIIP, eliminate numerous small water management structures, and will improve demand-based delivery to farm tracts. This activity will also reduce irrigation tailwater through improved water management and distribution.

2. Jocko K Canal Diversion and Fish Entrainment and Passage at site

Project Scope: Diversion check dam, Jocko K Canal headworks and gate structure rehabilitation, and stream and floodplain reclamation in diversion reach.

Current Condition: The diversion check dam and headworks structure have been retrofitted to include selective fish passage and screening to preclude entrainment in the K Canal. The

diversion check dam and headworks are not optimal to address fisheries concerns and irrigation operations. Deteriorated concrete at headworks. The stream channel and floodplain have been modified at the site.

Proposed Rehabilitation: Improve fish passage and screening facilities and integrate into irrigation operations. Headworks gate automation and diversion and headworks improvements. Stream and floodplain reclamation at site.

Project Benefits: Project located in occupied critical bull trout habitat and listed as needed in 2009 BIOP for FIIP transfer. Project would improve fishery conditions for threatened bull trout and would improve irrigation operations at site. Project would improve irrigation water and streamflow management. Project would improve sediment management and stream and floodplain conditions.

3. North Fork Jocko River Diversion at Tabor Feeder Canal and Fish Entrainment and Passage at site

Project Scope: Diversion dam, Tabor Feeder Canal headworks and gate structure rehabilitation, stream and floodplain reclamation at site.

Current Condition: Critically deteriorated concrete diversion dam, headworks, and headworks gates. No fish passage at dam or control of fish entrainment into Tabor Feeder Canal. Stream and floodplain at site heavily modified. Sediment management required at site.

Proposed Rehabilitation: Due to site complexity, full feasibility analysis is required to define the potential service life and rehabilitation options for the diversion dam, to define the optimal fish passage and canal fish entrainment facilities, and to execute the most effective rehabilitation and betterment approach. Irrigation and fish structure automation is needed at site.

Project Benefits: Project is located in occupied critical bull trout habitat and listed in the 2009 BIOP for FIIP transfer. Project would improve available habitat for bull trout, which are listed as threatened under the Endangered Species Act, and would preclude fish entrainment in Tabor Feeder Canal. Project would improve irrigation water and streamflow management. Project would improve sediment management and stream and floodplain conditions in diversion reach.

4. Jocko Upper S Canal Diversion and Fish Entrainment and Passage at site

Project Scope: Diversion check dam and Jocko upper S Canal headworks structure rehabilitation, and stream and floodplain reclamation at site.

Current Condition: The diversion check dam and headworks structure have been retrofitted to include selective fish passage and screening to preclude entrainment in the upper S Canal. The diversion check dam was reconstructed as an Obermeyer Gate, but cannot be operated as

intended. Headworks and diversion check dam are not optimal to address fisheries concerns and irrigation operations. The stream channel and floodplain have been modified at the site.

Proposed Rehabilitation: Improve fish passage and screening facilities and integrate into irrigation operations. Headworks gate automation and diversion check dam and headworks rehabilitation or reconstruction. Stream and floodplain reclamation at site.

Project Benefits: Project located in occupied critical bull trout habitat and listed as needed in 2009 BIOP for FIIP transfer. Project would improve fishery conditions for endangered bull trout and would improve irrigation operations at site. Project would improve irrigation water and streamflow management. Project would improve stream and floodplain conditions.

5. Flathead River Pumping Plant

Project Scope: Rehabilitation or replacement of Flathead Pumping Plant, Flathead Pumping Plant Canal, and access road to plant.

Current Condition: The three penstock pipes have geotechnical stability issues and deteriorated condition to the point where multiple leaks are occurring. Pump motor controls are obsolete and in poor condition. Impellers need replacement. Access roadway does not meet current safety standards. Flathead pump canal is concrete-lined, but a repair liner has been placed inside the original liner. Canal does not have adequate freeboard above the water surface when all three pumps are operating.

Project Rehabilitation: Full evaluation to modernize pumping plant and associated infrastructure.

Project Benefits: Rehabilitate critical project infrastructure which has the ability to increase irrigation water supply to FIIP.

6. Fish Entrainment – McDonald Reservoir, Tabor Reservoir, Flathead Pumps

Project Scope: Improvement to outlet works at two reservoirs and intake to Flathead Pumps.

Current Condition: All three sites are located in occupied bull trout habitat, and entrainment and loss of fish may occur at each site.

Proposed Rehabilitation: The 2009 BIOP for FIIP transfer identified screening as the approach to preclude entrainment. Based on Fisheries Biologist input, it is more appropriate to step back and develop optimal approach to preclude entrainment at each site and construct selected approach.

Project Benefits: Project(s) located in occupied critical bull trout habitat and listed as needed in 2009 BIOP for FIIP transfer. Project(s) would preclude fish entrainment at sites and potential take of endangered bull trout.

7. Jocko Lower J Canal Diversion

Project Scope: Diversion check dam, headworks and gate structure rehabilitation, and stream and floodplain reclamation at site.

Current Condition: Diversion check dam is a pin and plank structure that is failing. Headworks has large forebay area that requires ongoing maintenance. Stream and floodplain reach through site have been modified.

Proposed Rehabilitation: Rebuild diversion check dam, headworks and headworks forebay. Install headworks gate automation. Restore stream channel and floodplain at site.

Project Benefits: Project located in occupied critical bull trout habitat. Project would improve fishery conditions and would improve irrigation operations through gate automation and reduction in site maintenance and disturbance. Project would improve irrigation water and streamflow management.

8. Crow Creek Pumping Plant and Canal Diversion on Crow Creek

Project Scope: Increase pumping plant capacity, modernize pumping plant, and improve diversion check dam.

Current Condition: Pumping plant is outdated and often non-operational. Diversion check dam is full barrier to fish passage on Crow Creek.

Proposed Rehabilitation: Reconstruct pumping plant to increase capacity and modernize facility. Place Crow pumping plant canal in pipe. Construct suitable fish passage at diversion dam.

Project Benefits: There is opportunity to pump water from Crow Creek into Ninepipe Reservoir during off-irrigation season months while maintaining proposed instream flows and downstream irrigation water requirements. This will benefit instream flow management in Post Creek during the irrigation season. Fish passage across the diversion dam will reconnect fisheries in Crow Creek. Replacing the oil-cooled pump with a water-cooled pump will eliminate the potential for a release to Crow Creek.

9. Revais Creek Pumping Plant

Project Scope: Modernize pumping plant.

Current Condition: Pumping plant is outdated and many components are obsolete.

Proposed Rehabilitation: Reconstruct pumping plant to modern standards

Project Benefits: Improve reliability of water supply to irrigated lands and reduce dependence on Revais Creek for irrigation water supply. Replacing oil-cooled pump with water-cooled pump will eliminate the potential for a release to Jocko River.

10. Pablo Feeder Canal Diversion at Post Creek

Project Scope: Diversion check dam, headworks and gate structure rehabilitation and stream and floodplain reclamation at site.

Current Condition: The diversion check dam and headworks has deteriorated concrete and gates. The stream and floodplain at the site have been heavily modified and fish passage is not incorporated into the diversion check dam. An overpass flume was recently constructed to separate the Pablo Feeder Canal south of Post Creek from Post Creek. A short section of stream below the diversion works may be dewatered due to site operations.

Proposed Rehabilitation: Rebuild diversion check dam, headworks and headworks gates. Headworks gate automation. Fish passage across diversion dam. Stream and floodplain reclamation at site.

Project Benefits: Project located in occupied bull trout habitat. Project would improve fishery conditions for endangered bull trout and would improve irrigation operations at site. Project would improve irrigation water and streamflow management. Project would improve stream and floodplain conditions.

11. Pablo Feeder Canal Diversion at North Crow Creek

Project Scope: Diversion check dam, headworks structure improvement and stream and floodplain reclamation at site.

Current Condition: Deteriorated diversion structure, overflow structure, headworks, and headworks gates. Stream and floodplain are heavily modified at site.

Proposed Rehabilitation: Rebuild diversion structure, headworks and gates. Install headworks gate automation. Stream and floodplain reclamation at site.

Project Benefits: Greater operational control for irrigation and streamflow management. Reduced impact to stream from current channel spanning diversion structure.

12. Pablo Feeder Canal Diversion at South Crow Creek

Project Scope: Diversion check dam and headworks rehabilitation.

Current Condition: Deteriorated concrete diversion structure, headworks, and headworks gates.

Proposed Rehabilitation: Rebuild diversion structure, headworks and gates. Install headworks gate automation.

Project Benefits: Greater operational control for irrigation and streamflow management.
Reduced impact to stream from current channel spanning diversion structure.

13. Camas A Canal Diversion on Little Bitterroot River

Project Scope: Diversion check dam, headworks and gates rehabilitation, and stream and floodplain reclamation at site.

Current Condition: Deteriorated high head check dam, headworks and gates. Diversion check dam is full barrier to fish passage on Little Bitterroot River. Condition of gates leads to dewatering below diversion check dam. Heavily modified stream and floodplain at site.

Proposed Rehabilitation: Due to site complexity, full site analysis to execute most effective rehabilitation and betterment approach for diversion check dam, headworks, and gate. Rebuild structures (or structure equivalents) based on analysis. Incorporate gate automation and fish passage. Preclude fish entrainment in headworks design. Stream and floodplain reclamation at site.

Project Benefits: Project would rebuild channel-spanning diversion check dam, headworks, and gate structure. Project would reconnect fisheries above and below structure. Project would eliminate river dewatering below structure. Project would improve irrigation water and streamflow management. Project would improve stream and floodplain conditions.

14. Mission Creek Structures

Project Scope: Improvements to Mission Dam outlet crossing structure at Mission A Canal to Pablo Feeder Canal, Mission B Canal diversion structure, and Mission C Canal diversion structure.

Current Condition: Deteriorated concrete at diversion structures. High maintenance due to condition and design. Modified stream and floodplain conditions at sites.

Project Rehabilitation: Rebuild structures with updated design to improve fishery conditions and reduce chronic maintenance. Stream and floodplain reclamation at sites.

Project Benefits: Greater operational control for irrigation and streamflow management.
Reduced impact to stream and floodplain from current channel spanning diversion structures.

15. Structure Rehabilitation throughout FIIP Distribution System

Project Extent: Rehabilitate or replace irrigation structures with a cost over \$20,000 each throughout the FIIP.

Current Condition: Deteriorated or failed concrete structures.

Project Rehabilitation: Jocko Service Area – 11 structures; Mission South service area – 9 structures; Mission North service area – 28 structures; Camas service area – 18 structures.

Project Benefits: Rehabilitate critical project infrastructure. Greater operational control of irrigation water. Opportunity to incorporate automation and water measurement into select structures.

Appendix 3.7: Determination of Wet, Normal, and Dry Years

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List of Abbreviations

CSKT	Confederated Salish and Kootenai Tribes of the Flathead Nation
MEF	Minimum Enforceable Instream Flow
RDA	River Diversion Allowance
TIF	Target Instream Flow
USGS	United States Geological Survey

1 Introduction

The River Diversion Allowances (RDA), Minimum Enforceable Instream Flows (MEF), and Target Instream Flows (TIF) of the CSKT Water Rights Compact are established to better achieve fishery objectives while also providing for existing irrigation use. The RDAs, MEFs, and TIFs are drawn from the Operational Improvements HYDROSS Model runs for the Jocko (Run Date 11/17/2011) and the Mission (Run Date 11/25/2011). The Little Bitterroot draws on the 2009 Irrigated Lands Mapping HYDROSS Model (Run Date 12/2/2011). Each of the RDAs, MEFs, and TIFs are based on hydrological conditions (wet, normal, and dry) as determined from modeled natural flow near the mouth of the Jocko River, Mission Creek, and Crow Creek, and on the Little Bitterroot River. Streamflow at these locations is impacted by storage regulation, diversions, and return flows and natural flow, therefore cannot be directly measured at these locations.

In order to implement the RDA, MEF, and TIF, the Compact Implementation Technical Team (CITT) must first determine which hydrological condition applies at the time of operation in the future. In order to determine the hydrologic condition, indicator gages must be selected for this purpose. Measurement of streamflow at these indicator gages will be used as a surrogate to the measurement of natural flow at the mouth of the Jocko, Mission, and Crow Creek, and on the Little Bitterroot. Natural flow gages on the periphery of the Project (above all diversions and storage) are selected for this purpose.

The determination of wet, dry, and normal years for the purpose of defining RDA, MEF, and TIF was based on modeled natural streamflow for the April through July forecasting period of the 1983-2002 study period. Dry years are the 4 years for which the Apr-Jul natural flow is below the 80th-percentile exceedance level. Wet years are the 4 years with Apr-Jul natural flow above the 20th-percentile exceedance level. Normal years are those falling between the 80th and 20th percentile exceedance levels.

Selection of the indicator gages for the Jocko, Mission, and Little Bitterroot areas which will be used to determine the Hydrologic Condition (Dry Year, Normal Year, or Wet Year) for future operations; and the range of Apr-Jul Streamflow for each of these conditions, is the subject of this report.

The Operational Improvements envisioned in the CSKT Water Rights Compact include development of improved tools for forecasting streamflow. These tools can be used in the future to forecast the streamflow, and the associated Hydrologic Condition, at these indicator gages.

2 Jocko Area

The Jocko River at Mouth (Node #519500) location was used to determine wet, dry, and normal years for the Jocko Area.

Table 2.1: Jocko Area Wet / Dry / Normal Determination Using Natural Flow Model Results

<i>Rank</i>	<i>Exceedance Probability</i>	<i>Apr-Jul Flow (AF)</i>	<i>Year</i>
1	5%	258,304	1997
2	10%	187,857	1996
3	14%	157,564	2002
4	19%	155,092	1990
5	24%	150,146	1989
6	29%	150,006	1986
7	33%	147,155	1999
8	38%	145,931	1991
9	43%	143,353	1984
10	48%	136,384	1983
11	52%	135,085	1993
12	57%	129,598	1998
13	62%	127,940	2000
14	67%	121,203	2001
15	71%	119,387	1985
16	76%	108,497	1988
17	81%	107,913	1994
18	86%	103,619	1987
19	90%	102,941	1995
20	95%	93,204	1992

A number of natural flow gages have been maintained in the Jocko Area over the years:

Table 2.2: Jocko Area Natural Flow Gages with 1983 - 2002 Study Period Data

<i>Station Number</i>	<i>Station Name</i>	<i>Operating Entity</i>	<i>Status</i>
12381400	South Fork Jocko River near Arlee	USGS	Active
12383500	Big Knife Creek near Arlee	USGS	Discontinued
5167.00	Agency Cr ab Jocko S Cnl	CSKT	Active
5161.00	East Fork Finley Cr ab Jocko N Cnl	CSKT	Discontinued
5182.00	Lamoose Cr ab Jocko K Cnl	CSKT	Discontinued
5191.00	East Fork Valley Cr near Arlee	CSKT	Discontinued
12387450	Valley Creek near Arlee	USGS	Discontinued
5191.20	Valley Creek below Hewolf Cr	CSKT	Discontinued
12388400	Revais Cr bl West Fork nr Dixon	USGS	Discontinued

Using the combined streamflow for the active natural flow gages located on the periphery of the Project (indicator gages), the Dry, Wet, and Normal years previously determined for the Jocko area fall as shown below.

Table 2.3: Jocko Area Wet / Dry / Normal Flows Using Active Natural Flow Indicator Gages

<i>South Fork Jocko R (12381400)</i>				<i>Agency Cr (5167.00)</i>				<i>Combined</i>			
Rank	Exceedance Probability	Apr-Jul Flow (AF)	Year	Rank	Exceedance Probability	Apr-Jul Flow (AF)	Year	Rank	Exceedance Probability	Apr-Jul Flow (AF)	Year
1	5%	66,635	1997	1	5%	11,337	1997	1	5%	77,972	1997
2	10%	45,364	1996	2	10%	8,224	1996	2	10%	53,588	1996
3	14%	38,580	1989	3	14%	7,652	1989	3	14%	46,232	1989
4	19%	36,312	2002	4	19%	6,887	1986	4	19%	42,579	2002
5	24%	34,823	1991	5	24%	6,843	1990	5	24%	41,569	1991
6	29%	34,592	1986	6	29%	6,746	1991	6	29%	41,479	1986
7	33%	34,512	1990	7	33%	6,479	1984	7	33%	41,355	1990
8	38%	34,334	1999	8	38%	6,443	1999	8	38%	40,777	1999
9	43%	33,725	1984	9	43%	6,267	2002	9	43%	40,204	1984
10	48%	31,091	1983	10	48%	6,068	1983	10	48%	37,159	1983
11	52%	29,417	1993	11	52%	5,961	2001	11	52%	34,957	1993
12	57%	28,810	2000	12	57%	5,540	1993	12	57%	32,934	2000
13	62%	27,172	1985	13	62%	5,101	1985	13	62%	32,273	1985
14	67%	26,075	2001	14	67%	5,011	1988	14	67%	32,036	2001
15	71%	24,233	1998	15	71%	4,830	1994	15	71%	29,009	1998
16	76%	24,071	1994	16	76%	4,776	1998	16	76%	28,999	1988
17	81%	23,988	1988	17	81%	4,600	1992	17	81%	28,901	1994
18	86%	21,251	1995	18	86%	4,242	1995	18	86%	25,493	1995
19	90%	20,124	1987	19	90%	4,209	1987	19	90%	24,333	1987
20	95%	17,611	1992	20	95%	4,124	2000	20	95%	22,211	1992

3 Mission Area

The combined flow of Mission Creek at Mission H Canal (Node #999412) and Crow Creek at Moiese A Canal (Node #999414) was used to determine wet, dry, and normal years for the Mission Area.

Table 3.1: Mission Area Wet / Dry / Normal Determination Using Natural Flow Model Results

Mission Cr				Crow Cr				Combined			
Rank	Exceedance Probability	Apr-Jul Flow (AF)	Year	Rank	Exceedance Probability	Apr-Jul Flow (AF)	Year	Rank	Exceedance Probability	Apr-Jul Flow (AF)	Year
1	5%	147,252	1997	1	5%	61,593	1997	1	5%	208,846	1997
2	10%	118,515	1984	2	10%	56,562	1983	2	10%	171,562	1984
3	14%	111,710	1983	3	14%	53,048	1984	3	14%	168,272	1983
4	19%	109,717	1990	4	19%	50,875	1996	4	19%	159,322	1990
5	24%	105,739	1996	5	24%	50,513	1993	5	24%	156,615	1996
6	29%	103,724	1998	6	29%	49,605	1990	6	29%	152,716	1993
7	33%	102,253	1986	7	33%	48,170	1991	7	33%	148,364	1986
8	38%	102,203	1993	8	38%	46,399	1989	8	38%	145,903	1998
9	43%	98,587	1989	9	43%	46,112	1986	9	43%	145,558	1991
10	48%	97,389	1991	10	48%	42,970	1995	10	48%	144,986	1989
11	52%	92,443	1999	11	52%	42,179	1998	11	52%	133,445	2002
12	57%	91,267	2002	12	57%	42,178	2002	12	57%	131,407	1999
13	62%	85,544	2001	13	62%	40,283	1985	13	62%	123,131	1995
14	67%	80,160	1995	14	67%	38,964	1999	14	67%	119,546	2001
15	71%	77,671	2000	15	71%	36,382	2000	15	71%	115,018	1985
16	76%	76,729	1987	16	76%	34,615	1994	16	76%	114,053	2000
17	81%	74,735	1985	17	81%	34,002	2001	17	81%	108,559	1994
18	86%	73,944	1994	18	86%	31,280	1987	18	86%	108,009	1987
19	90%	72,349	1988	19	90%	30,603	1988	19	90%	102,952	1988
20	95%	63,643	1992	20	95%	30,360	1992	20	95%	94,003	1992

A number of natural flow gages have been maintained in the Mission Area over the years:

Table 3.2: Mission Area Natural Flow Gages with 1983 - 2002 Study Period Data

Station Number	Station Name	Operating Entity	Status
60.00	Hellroaring Creek ab Reservoir	CSKT	Active
81.00	Centipede Cr ab Twin Fdr Cnl	CSKT	Discontinued
3566.00	Big Creek near Pablo	CSKT	Discontinued
3564.00	North Ashley Creek ab Pablo Fdr Cnl	CSKT	Discontinued
3562.00	Mud Creek above Pablo Fdr Cnl	CSKT	Discontinued
3512.00	North Crow Creek at Campground	CSKT	Active
12375900	South Crow Creek near Ronan	USGS	Active
4870.50	Marsh Creek above Pablo Fdr Cnl	CSKT	Discontinued
4872.00	Eagle Pass Creek near Ronan	CSKT	Discontinued
4860.00	Post Creek above McDonald Reservoir	CSKT	Discontinued
12377150	Mission Cr ab Reservoir nr St Ignatius	USGS	Active
4850.00	Sabine Creek above Mission F Cnl	CSKT	Discontinued
4851.00	Thorne Creek near St Ignatius	CSKT	Discontinued

Using the combined streamflow for the active natural flow gages located on the periphery of the Project (indicator gages), the Dry, Wet, and Normal years previously determined for the Mission area fall as shown below.

Table 3.3: Mission Area Wet / Dry / Normal Flows Using Active Natural Flow Gages (1)

<i>South Crow Cr (12375900)</i>				<i>Mission Cr (12377150)</i>			
<i>Rank</i>	<i>Exceedance Probability</i>	<i>Apr-Jul Flow (AF)</i>	<i>Year</i>	<i>Rank</i>	<i>Exceedance Probability</i>	<i>Apr-Jul Flow (AF)</i>	<i>Year</i>
1	5%	14,159	1983	1	5%	31,484	1997
2	10%	14,080	1997	2	10%	30,401	1993
3	14%	13,290	1984	3	14%	29,753	1983
4	19%	11,916	1993	4	19%	29,140	1990
5	24%	11,449	1990	5	24%	28,122	1998
6	29%	11,309	1996	6	29%	27,731	1991
7	33%	10,994	1986	7	33%	27,691	1984
8	38%	10,816	1991	8	38%	27,519	1996
9	43%	10,316	1995	9	43%	26,177	1989
10	48%	10,165	1998	10	48%	25,369	1999
11	52%	10,083	1989	11	52%	25,231	1986
12	57%	10,057	2002	12	57%	24,919	2001
13	62%	9,692	1985	13	62%	23,113	1995
14	67%	8,254	2001	14	67%	22,934	2002
15	71%	8,028	1994	15	71%	21,390	1987
16	76%	7,926	2000	16	76%	21,267	2000
17	81%	7,690	1999	17	81%	21,000	1992
18	86%	7,635	1987	18	86%	20,532	1985
19	90%	6,784	1988	19	90%	19,493	1994
20	95%	6,512	1992	20	95%	19,363	1988

Table 3.4: Mission Area Wet / Dry / Normal Flows Using Active Natural Flow Gages (2)

<i>Hellroaring Cr (60.00)</i>				<i>North Crow Cr (3512.00)</i>				<i>Combined</i>			
Rank	Exceedance Probability	Apr-Jul Flow (AF)	Year	Rank	Exceedance Probability	Apr-Jul Flow (AF)	Year	Rank	Exceedance Probability	Apr-Jul Flow (AF)	Year
1	5%	7,310	1997	1	5%	25,277	1997	1	5%	78,151	1997
2	10%	5,785	1996	2	10%	24,748	1983	2	10%	73,446	1983
3	14%	4,892	1990	3	14%	23,058	1993	3	14%	69,626	1993
4	19%	4,786	1983	4	19%	22,937	1984	4	19%	68,547	1984
5	24%	4,636	1991	5	24%	21,692	1996	5	24%	66,406	1990
6	29%	4,629	1984	6	29%	20,925	1990	6	29%	66,305	1996
7	33%	4,342	1985	7	33%	20,547	1991	7	33%	63,730	1991
8	38%	4,251	1993	8	38%	19,943	1986	8	38%	60,223	1998
9	43%	4,136	1998	9	43%	19,889	1989	9	43%	60,182	1989
10	48%	4,033	1989	10	48%	18,601	1999	10	48%	60,000	1986
11	52%	3,832	1986	11	52%	18,546	1995	11	52%	55,746	1995
12	57%	3,771	1995	12	57%	17,800	1998	12	57%	54,994	1999
13	62%	3,641	1994	13	62%	17,367	2002	13	62%	53,970	2002
14	67%	3,626	2000	14	67%	16,984	1985	14	67%	51,550	1985
15	71%	3,612	2002	15	71%	16,294	2000	15	71%	50,732	2001
16	76%	3,390	2001	16	76%	15,302	1994	16	76%	49,113	2000
17	81%	3,334	1999	17	81%	14,169	2001	17	81%	46,464	1994
18	86%	3,255	1987	18	86%	13,367	1988	18	86%	45,296	1987
19	90%	3,156	1992	19	90%	13,016	1987	19	90%	43,528	1992
20	95%	2,998	1988	20	95%	12,860	1992	20	95%	42,512	1988

4 Little Bitterroot Area

The Little Bitterroot River below Camas A Canal below Mill Creek (Node #313100) was used to determine wet, dry, and normal years for the Little Bitterroot Area.

Table 4.1: Little Bitterroot Area Wet / Dry / Normal Determination Using Natural Flow Model Results

<i>Rank</i>	<i>Exceedance Probability</i>	<i>Apr-Jul Flow(AF)</i>	<i>Year</i>
1	5%	53,025	1997
2	10%	33,448	1996
3	14%	30,047	1991
4	19%	26,122	1990
5	24%	21,840	2002
6	29%	20,455	1989
7	33%	19,272	1986
8	38%	16,436	1998
9	43%	16,196	1985
10	48%	13,737	1999
11	52%	13,376	1993
12	57%	13,141	1995
13	62%	12,790	1983
14	67%	12,254	1987
15	71%	12,157	2000
16	76%	9,162	1988
17	81%	8,792	1984
18	86%	8,739	1994
19	90%	7,979	2001
20	95%	6,900	1992

A number of natural flow gages have been maintained in the Little Bitterroot Area over the years:

Table 4.2: Little Bitterroot Area Natural Flow Gages with 1983 - 2002 Study Period Data

<i>Station Number</i>	<i>Station Name</i>	<i>Operating Entity</i>	<i>Status</i>
12374250	Mill Cr ab Bassoo Cr nr Niarada	USGS	Active
3122.00	Bassoo Creek near Niarada	CSKT	Discontinued
3126.00	Mill Creek bl Bassoo Creek	CSKT	Discontinued
3141.00	Mill Pocket Creek near Niarada	CSKT	Discontinued
12374800	Cromwell Creek near Niarada	USGS	Discontinued
3162.00	Deep Draw near Elmo	CSKT	Discontinued
3168.00	Sullivan Springs at Niarada	CSKT	Discontinued
3181.00	Oliver Gulch near Hot Springs	CSKT	Discontinued

Using the streamflow for the active natural flow gage located on the periphery of the Project (indicator gage), the Dry, Wet, and Normal years previously determined for the Little Bitterroot area fall as shown below.

Table 4.3: Little Bitterroot Area Wet / Dry / Normal Flows Using Active Natural Flow Gage

Rank	Exceedance Probability	Apr-Jul Flow(AF)	Year
1	5%	11,294	1997
2	10%	7,668	1991
3	14%	7,449	1996
4	19%	5,243	2002
5	24%	4,848	1990
6	29%	4,768	1986
7	33%	4,569	1989
8	38%	4,290	2000
9	43%	4,099	1999
10	48%	3,951	1985
11	52%	3,163	1983
12	57%	3,064	1998
13	62%	2,885	1995
14	67%	2,752	1987
15	71%	2,362	1984
16	76%	2,095	1993
17	81%	2,073	1988
18	86%	1,877	1994
19	90%	1,775	1992
20	95%	1,712	2001

5 Recommendations

Using the recorded April through July streamflow at the active natural flow monitoring gages around the periphery of the Project (indicator gages), the Hydrologic Condition for the Jocko, Mission, and Little Bitterroot areas can be quantified as follows:

Table 5.1: Hydrologic Condition Based on April-July Flow at Indicator Gages

Hydrologic Condition	Jocko Area	Mission Area	Little Bitterroot Area
	Combined April through July flow at: • South Fork Jocko River (USGS Gage 12381400) • Agency Creek above Jocko S Canal (CSKT Gage 5167.00)	Combined April through July flow at: • South Crow Creek (USGS Gage 12375900) • Mission Creek above Reservoir (USGS Gage 12377150) • Hellroaring Creek above Reservoir (CSKT Gage 0060.00) • North Crow Creek at Campground (CSKT Gage 3512.00)	April through July Flow at: • Mill Creek above Bassoo Creek (USGS Gage 12374250)
Wet Year	> 41,500 AF	> 66,500 AF	> 4,900 AF
Normal Year	29,000 AF - 41,500 AF	46,500 AF - 66,500 AF	2,200 AF - 4,900 AF
Dry Year	< 29,000 AF	< 46,500 AF	< 2,200 AF

PROPOSED

UNITARY ADMINISTRATION AND
MANAGEMENT ORDINANCE

January 2015

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CHAPTER I

WATER RESOURCES CONSERVATION, DEVELOPMENT AND ADMINISTRATION

PART 1 - GENERAL PROVISIONS

1-1-101. Authority.

1. This Ordinance is adopted in exercise of the sovereign powers of the Confederated Salish and Kootenai Tribes (Tribes), as reserved and recognized in the Treaty of Hellgate, 12 Stat. 975, by which the Confederated Salish and Kootenai Tribes reserved the present Flathead Reservation for their exclusive use and benefit, and by the authority of the Tribal Council of the Tribes as provided in Article VI, Section 1(a), (n), (t), and (u) of the Tribal Constitution, approved October 26, 1935 by the Secretary of the Interior pursuant to Section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. § 476). This Ordinance is also adopted by the United States pursuant to the Federal Legislation that ratifies and approves the Compact.
2. This Ordinance parallels legislation adopted by the State of Montana pursuant to legislative approval of the Confederated Salish and Kootenai Tribes-Montana Compact and the Montana Water Use Act of 1973 to effectuate Unitary Administration and Management on the Flathead Indian Reservation. Such parallel legislation will be codified in Title 85, MCA.
3. This Ordinance and the parallel Montana legislation are contingently effective; neither operates with the force and effect of law without the other. No modification by the Tribes or the State of Montana of these respective laws shall be effective within the exterior boundaries

of the Reservation unless and until the other makes an analogous modification. No amendment of this Ordinance that may affect a use of the Tribal Water Right may be made without Secretarial approval.

4. Upon the Effective Date of the Compact, this Ordinance shall govern all water rights, whether derived from tribal, state or federal law, and shall control all aspects of water use, including all permitting of new uses, changes of existing uses, enforcement of water right calls and all aspects of enforcement within the exterior boundaries of the Flathead Indian Reservation. Any provision of Title 85, MCA, that is inconsistent with this Law of Administration is not applicable within the Reservation.

1-1-102. Findings and Policy. The Tribal Council finds and declares as follows:

1. The waters of the Flathead Reservation are a hydrological unitary resource in that
 - a. all waters of the Reservation drain into the Flathead River, a part of the Columbia River system, or into Flathead Lake, a naturally occurring lake which is fed by the Flathead River north of the Reservation and which empties into the Flathead River within the Reservation, and
 - b. most of the water appropriated and utilized by the people on the Reservation is taken from streams and Groundwater arising on or under lands owned by the Tribes and tributary to the Flathead Lake or the Flathead River; the balance of the surface water consumed on the Reservation is appropriated and diverted from off-Reservation sources by the United States, and

- c. there is a clear hydrological interrelationship between the surface and Groundwater of the Reservation, and
 - d. each use of water of the Reservation may affect water use by all Reservation residents;
- 2. Prudent and knowledgeable conservation, management, and protection of the uses of water resources of the Reservation are essential to the health and welfare of all Reservation residents;
- 3. The waters of the Reservation are one of the foremost assets of the Reservation, and Reservation resident well-being and development depends, in large measure, on wise and stable regulation of the appropriation, use, and conservation of this resource; and
- 4. The public policy of the Confederated Salish and Kootenai Tribes is
 - a. to provide for the conservation, development, beneficial use, and quality of the water resources of the Reservation to promote the health, welfare, and economic and social prosperity of Reservation residents,
 - b. to recognize and confirm valid existing uses of waters of the Reservation for any beneficial purpose consistent with the policies and provisions of the Compact and this Ordinance,
 - c. to manage and protect supplies of waters of the Reservation that are adequate to preserve the ecosystem of the Reservation, to conserve and enhance Reservation wildlife and fisheries, to maintain and improve opportunities for water-based recreation, and to secure to Reservation residents the quiet enjoyment of the use of waters of the Reservation for beneficial uses,

- d. to provide methods and procedures for the appropriation of the waters, for maintenance and enhancement of water quality, and for the establishment and maintenance of a system of central records of permitted water uses of the Reservation, and
- e. to secure the greatest benefits from the use of Reservation waters by sound coordination of conservation and development with the development and use of other natural resources of the Reservation.

1-1-103. Notice of Enactment. To insure that all Persons affected by this Ordinance are given notice of its enactment, its effective date, and its purpose, the Water Management Board, no later than sixty (60) days prior to the date set in Section 1-1-116 of this Ordinance, establishing the effective date of this Ordinance shall cause the following notice to be posted on its website, and also published weekly for four weeks in (1) a daily newspaper of general circulation on the Flathead Reservation, (2) one or more weekly newspapers of general circulation on the Flathead Reservation, and (3) the Tribal newspaper:

[INSERT NOTICE HERE]

1-1-104. Definitions. Unless otherwise defined herein, capitalized terms used in this Ordinance shall have the meaning set forth in the Compact.

1. "Allottee" or "Allottees" means an owner of an interest in a tract of land held in trust by the United States which was allotted pursuant to the Act of April 23, 1904, 33 Stat. 302, as amended, or the Act of February 25, 1920, 41 Stat. 452, as amended.

2. "Appropriate" means to divert, impound, maintain an instream, inlake, inwetland or impoundment use, or withdraw a quantity of water for a beneficial use on the Flathead Indian Reservation under color of law.
3. "Appropriation" means the diversion, impoundment, maintenance of an instream, lake, Wetland, or impoundment use, or the withdrawal of a quantity of water for a Beneficial Use on the Flathead Indian Reservation under color of law.
4. "Appropriation Right" means a right to Appropriate water issued by the Water Management Board pursuant to the terms of the Compact and this Ordinance.
5. "Aquifer Injection" means the subsurface discharge of fluids into the ground by means of an Injection Well.
6. "Appropriator" means a Person who Appropriates water.
7. "Beneficial Use" means a consumptive or non-consumptive use of water for the benefit of the Appropriator, other Persons, the Tribes, one or more Tribal members, or the general public, including but not limited to agricultural, stock water, domestic, fish and wildlife, cultural and religious practices, industrial, Instream Flow, irrigation, mining, Mitigation Water, municipal, power, recreational uses, and Wetlands purposes.
8. "Business" means a building or site where commercial work is carried on, including but not limited to a factory, store, or office.
9. "Change in Use" means an authorized change in the point of diversion, the place of use, the period of use, the purpose of use, or the place of storage of an Appropriation Right issued by the Water Management Board under the Compact and this Ordinance, or of an Existing Use. A changed water right retains the original priority date of that right.

relevant basin decree as a Water Right Arising Under State Law and be entitled to no further protection as such a right or as an Existing Use.

24. "Flathead Indian Irrigation Project" or "FIIP" means the irrigation project developed by the United States to irrigate lands within the Reservation pursuant to the Act of April 23, 1904, Public Law 58-159, 33 Stat. 302 (1904), and the Act of May 29, 1908, Public Law 60-156, 35 Stat. 441 (1908), and includes, but is not limited to, all lands, reservoirs, easements, rights-of-way, canals, ditches, laterals, or any other FIIP facilities (whether situated on or off the Reservation), head gates, pipelines, pumps, buildings, heavy equipment, vehicles, supplies, records or copies of records and all other physical, tangible objects, whether of real or personal property, used in the management and operation of the FIIP.
25. "FIIP Influence Area" means the lands influenced by the operations of the FIIP as identified on the map attached to the Compact as Appendix 2.
26. "Flathead Indian Reservation" or "Reservation" means all land within the exterior boundaries of the Indian Reservation established under the July 16, 1855 Treaty of Hellgate (12 Stat. 975), notwithstanding the issuance of any patent, and including rights-of-way running through the Reservation.
27. "Flathead System Compact Water" means that portion of the Tribal Water Right consisting of 229,383 acre feet per year that the Tribes may withdraw from the Flathead River or Flathead Lake, which includes up to 90,000 acre feet per year stored in Hungry Horse Reservoir, with a maximum total volume consumed of 128,158 acre feet per year.
28. "Groundwater" means any water that is beneath the surface of the earth.

29. "Groundwater Management Area" means an area designated and managed under Section 1-1-109.
30. "Heating/Cooling Exchange Well" means a Well for the purpose and with the attributes set forth in Section 2-2-119(1) of this Ordinance.
31. "Home" means a house, apartment, or other shelter that is a permanent or temporary residence of a Person, family, or household.
32. "Illegal" or "Illegally" means, as it pertains to the use of water, to Appropriate water not pursuant to an Appropriation Right or Existing Use.
33. "Injection Well" means a Well utilized for injecting fluids or gases into geologic materials. Open pits, ponds, or excavations are not considered injection wells.
34. "Instream Flow" means a stream flow retained in a watercourse to benefit the aquatic environment. Instream Flow may include Natural Flow or streamflow affected by regulation, diversion, or other modification. A water right for Instream Flow purposes is quantified for a stream reach and measured for enforcement purposes at a specified point.
35. "Livestock" means cattle, bison, sheep, swine, horses, mules, goats, or other animals specifically raised and used for food or fiber or as a beast of burden.
36. "Mitigation" means the reallocation of surface water or Groundwater through a Change in Use or other means to offset adverse effect resulting from Net Depletion by any proposed new Appropriation.
37. "Mitigation Plan" means a plan as developed by an applicant to provide Mitigation.
38. "NRD" means the Confederated Salish and Kootenai Tribes' Natural Resources Department.

39. "Natural Wetland" means a Wetland area that is maintained with a natural surface water source, natural Groundwater source or a combination of natural surface water and natural Groundwater without any artificial means of diversion, impoundment, withdrawal, excavation, or other artificial means of control.
40. "Net Depletion" means the calculated volume, rate, timing, and location of reductions to a water source resulting from a proposed new Appropriation that are not offset by the corresponding accretions to that source caused by the proposed new Appropriation.
41. "Non-consumptive Use" means any beneficial use of water that does not meet the definition of consumptive use.
42. "Other Instream Flows" means the Tribal instream flow water rights for stream reaches described in Article III.C.1.d.iii of the Compact.
43. "Office of the Engineer" means the Engineer and Staff, acting in their official capacities.
44. "Person" means an individual or any other entity, public or private, including the Tribes, the State, and the United States, and all officers, agents and departments of each sovereign.
45. "Pits, Pit-dams, Constructed Ponds, or Reservoirs" refer to bodies of water that are created by man-made means and which store water for beneficial use.
46. "Project Manager" means the person or team of persons hired by the Project Operator to operate and manage the FIIP in accordance with its direction, this and other applicable agreements, and applicable law, including the Compact.
47. "Project Operator" means that entity with the legal authority and responsibility to operate the Flathead Indian Irrigation Project.

48. "Public Water Supply System" means a system for the provision of water for human consumption that has at least 15 service connections or that regularly serves at least 25 Persons daily for any 60 or more days in a calendar year.
49. "Publish" or "Publication" means, unless otherwise designated, the printing of an announcement of document availability, or the text of the document itself, in a newspaper of general circulation on the Reservation and in the Tribal newspaper and posting on the Water Management Board's website.
50. "Redundant Well" means a Well to provide a backup source of water for a Public Water Supply System.
51. "Restored Natural Wetland" means a Wetland area that, upon restoration, shall be maintained with a natural surface water source, natural Groundwater source, or a combination of natural surface water and natural Groundwater without any artificial means of diversion, impoundment, withdrawal, excavation, or other artificial means of control.
52. "Secretary" means the Secretary of the United States Department of the Interior or the Secretary's duly assigned representative.
53. "Shall" means a mandatory and not a discretionary act.
54. "Shared Well" means a single Well that is physically manifold to multiple homes and/or businesses and is cooperatively used pursuant to a Shared Well Agreement.
55. "Shared Well Agreement" means a legally binding document that stipulates the manner in which a Shared Well is jointly used between or among all Homes or Businesses connected to the well; to be valid, it must be signed by representatives for each Person having a possessory interest in each individual Home or Business connected to a Shared Well.

56. "Spring" means a perennial hydrologic occurrence of water involving the natural flow of water originating from beneath the land surface and arising to the surface of the ground.
57. "Staff" means the employees, contractors and others assigned to or engaged by the Board or the Engineer to assist or facilitate the Engineer in carrying out the duties assigned to the Engineer by the Compact and this Ordinance, and by the Board pursuant to the same.
58. "Stock Tank" means a 30 to 1500 gallon tank used to provide drinking water for Livestock that is equipped with a water level regulator that shuts off supply to keep the Stock Tank from overflowing.
59. "Substitute Well" means a Well that replaces an existing Well which is to be abandoned.
60. "Temporary Emergency Appropriation" means the temporary beneficial use of water necessary to protect lives, property, or the environment, by reason of fire, storm, earthquake or other disaster, or unforeseen combination of circumstances which call for immediate action. An appropriation made necessary due to drought conditions is not a temporary emergency appropriation.
61. "Temporary Groundwater Management Area" means an area established pursuant to Section 1-1-109(10).
62. "Tribal Member" means a Person who is lawfully enrolled by and whose name appears on the official enrollment list of the Confederated Salish and Kootenai Tribes.
63. "Tribal Water Right" means the water rights of the Confederated Salish and Kootenai Tribes, including any Tribal member or Allottee, that arise under Federal law, as set forth in Article III.A, Article III.C.1.a through j, Article III.C.1.k.i, Article III.C.1.l.i, Article III.D.1 through 3, and Article III.D.7 and 8 of the Compact. The term "Tribal Water Right" also includes

those rights identified in Article III.H of the Compact that are appurtenant to lands taken into trust by the United States on behalf of the Tribes.

64. "Tribes" means the Confederated Salish and Kootenai Tribes of the Flathead Reservation, and all officers, agencies, and departments thereof.
65. "Waste or Wasting" means the unreasonable loss of water resulting from the design, construction, operation or maintenance of a water diversion, storage or distribution facility, Well, Developed Spring, or the application of water to anything but a beneficial use.
66. "Water Engineer" or "Engineer" means the Person satisfying the criteria in Section 1-2-109 employed by the Water Management Board pursuant to Article IV.I.5.c of the Compact to exercise the powers and duties of the Water Engineer as set forth in the Compact and this Ordinance.
67. "Water Management Board" or "Board" means the board created by Article IV.I of the Compact and vested with the responsibilities set forth in the Compact and in Tribal and State law for the administration of water within the Reservation.
68. "Water Rights Arising Under State Law" means those valid water rights Arising Under State Law existing as of the Effective Date and not subsequently relinquished or abandoned, as those rights are: decreed or to be decreed by the Montana Water Court pursuant to 85-2-234, MCA; permitted by the DNRC; exempted from filing in the Montana general stream adjudication pursuant to 85-2-222, MCA; or excepted from the permitting process pursuant to 85-2-306, MCA.

69. "Well" means any artificial opening or excavation in the ground, however made, by which Groundwater is sought or can be obtained or through which it flows under natural pressures or is artificially withdrawn.
70. "Well Log Report" means DNRC Form No. 603 (see ARM 36.12.102), or any successor reporting form and requirement promulgated in State law.
71. "Well Shaft Casing" means an impervious durable pipe placed in a well or Developed Spring to prevent the walls from caving, to seal off surface drainage, or undesirable water, gas, or other fluids to prevent their entering the well, and to prevent the Waste of Groundwater.
72. "Wetland" means an area that is inundated or saturated by surface water or Groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.
73. "Wetland Quantified Appropriation Right" means an Appropriation Right issued for a Wetlands purpose that utilizes any man-made diversions, impoundment, withdrawals, excavations, or other artificial means for the purposes of appropriation for either all or a portion of a Wetland.
74. "Wetland Protective Appropriation Right" means an Appropriation Right issued for either a Natural Wetland or Restored Natural Wetland.
75. "Works" means all property, real or personal, necessary or convenient to the appropriation, conservation, storage, diversion, distribution, development, screening and utilization of water.

1-1-105. Measurement of Water. Upon the effective date of this Ordinance, legal standards of measurement of water within the Flathead Reservation shall be as follows:

1. Flow rates shall be measured in cubic feet per second, unless otherwise provided herein.

Where documentary evidence of an existing use is expressed in gallons per minute, 448.8 gallons per minute shall be considered equivalent to a flow of one cubic foot per second.

Where documentary evidence of an existing use is expressed in statutory or miner's inches, 40 statutory or miner's inches shall be considered equivalent to a flow of one cubic foot per second.

2. Volumes of water shall be measured in acre-feet, unless otherwise provided herein. One acre-foot shall be considered equivalent to a volume of 43,560 cubic feet. One cubic foot shall be considered equivalent to a volume of 7.48 gallons.

1-1-106. Measurement of Time. Whenever in this Ordinance an action is required to be performed within a certain number of days, the time for completion of the act shall be measured in calendar days unless the last day falls on a Friday, Saturday, Sunday, or Tribal, State or Federal legal holiday, in which case the time for performance is extended to the next subsequent business weekday.

1-1-107. Appropriation Rights Allowed.

1. The following Appropriation Rights or Changes in Use may be authorized by the Board pursuant to the Compact and this Ordinance:

- a. Appropriation Rights for Groundwater appropriations for Redundant or Substitute Wells as set forth in Section 2-2-115 of this Ordinance.
- b. Appropriation Rights for Stock Water Allowances as set forth in Section 2-2-116 of this Ordinance.
- c. Appropriation Rights for Domestic Allowances as set forth in Section 2-2-117 of this Ordinance.
- d. Appropriation Rights for uses of Flathead System Compact Water as set forth in Section 2-2-118 of this Ordinance.
- e. Appropriation Rights for non-consumptive geothermal heating or cooling exchange Wells as set forth in Section 2-2-119 of this Ordinance.
- f. Appropriation Rights for Temporary Emergency Appropriations as set forth in Section 2-2-120 of this Ordinance.
- g. Appropriation Rights or Change in Use authorizations for Wetlands as set forth in Sections 2-2-123 and 2-2-124 of this Ordinance.
- h. Appropriation Rights for non-consumptive uses, including, but not limited to, hydropower generation and not including flow-through ponds.
- i. Appropriation Rights for which adverse effects to existing Appropriators are offset by Mitigation.
- j. Changes in Use of all Appropriation Rights or Existing Uses except for those Appropriation Rights authorized under subsections (1)(a), (1)(b), (1)(c), (1)(e), (1)(f), (1)(k), or (1)(l) of this Section or those for Existing Uses exempt from the permitting requirements of 85-2-306, MCA, or from the claim filing requirements of 85-2-221,

MCA, as set forth in 85-2-222, MCA; provided that a use authorized under subsection (1)(h) may not be changed from a non-consumptive use to a consumptive use.

- k. Appropriation Rights to Appropriate surface water to conduct response actions related to natural resource restoration required for:
 - i. remedial actions pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601, et seq.;
 - ii. aquatic resource activities carried out in compliance with and as required by the federal Clean Water Act of 1977, 33 U.S.C. 1251 through 1387; or
 - iii. remedial actions taken pursuant to the Remedial Action Upon Release of Hazardous Substance Act, Title 75, chapter 10, part 7, MCA.

No Appropriation Rights issued pursuant to this subsection may be used for dilution.

- l. Appropriation Rights for uses of surface water for or by a municipality or regional distribution system.
- m. Appropriation Rights for new uses of the Tribal Water Right by the Tribes, Tribal Members, or Allottees, provided that any such new uses be sourced from:
 - i. Flathead System Compact Water; or
 - ii. another source, provided that any adverse effects to existing Appropriators caused by the Net Depletion of the new Appropriation Right must be offset by Mitigation pursuant to Section 1-1-112 of this Ordinance.
- 2. Other than those Appropriation Rights set forth in subsection (1) of this Section, the Board may not grant an Appropriation Right or other authorization to Appropriate surface water or Groundwater within the exterior boundaries of the Flathead Indian Reservation.

1-1-108. Reservation Water Rights Database. The Board shall cause all Appropriation Rights and Changes in Use authorized by the Board, including those uses registered pursuant to the provisions of Sections 2-1-101 through 2-1-107 of this Ordinance, to be entered into the DNRC water rights database in a format agreed to by the Board and the DNRC.

1-1-109. Groundwater Management Areas.

The Board may designate, modify, or repeal either permanent or temporary Groundwater Management Areas as provided in this part.

1. Each designation of a Groundwater Management Area shall identify the need for the special management, the boundaries of the area, the water resources targeted for special management, and the specific restrictions that will apply in the Groundwater Management Area.
2. The designation, modification, or repeal of a Groundwater Management Area may be initiated by submission of a correct and complete petition by:
 - a. the Tribes, the State, or the United States;
 - b. a local public health agency;
 - c. a municipality, county, or conservation district; or
 - d. at least one-third of the water rights holders in a proposed Groundwater Management Area.
3. A correct and complete petition shall:
 - a. be in a form prescribed by the Board;

- b. contain facts and analysis prepared by a hydrologist, hydrogeologist, qualified scientist, or a qualified licensed professional engineer demonstrating the existence of one or more of the criteria set forth in subsection (8) are met; and
 - c. describe proposed measures, if any, needed to mitigate effects of the criteria identified in subsection (8) of this Section; and that are alleged in the petition or describe the rationale as to why a Groundwater Management Area should be repealed or modified.
- 4. Upon receipt of a completed petition complying with subsection (3) of this Section, the Office of the Engineer shall date stamp the petition.
- 5. Office of the Engineer review:
 - a. within 180 days of the date of receipt of the petition pursuant to subsection (4) of this Section, the Office of the Engineer shall:
 - i. determine in writing that the petition is correct and complete; or
 - ii. notify the petitioner of any defects in a petition, with an explanation in writing of the defect(s).
 - b. any petition that is returned pursuant to subsection (5)(a)(ii) of this Section and not corrected within 90 days from the date of return shall be deemed terminated.
 - c. if the Office of the Engineer does not notify the petitioner pursuant to subsection (5)(a) of this Section, the petition shall be treated as correct and complete.
- 6. Board review:
 - a. within 60 days after a petition is determined to be correct and complete, the Board shall:
 - i. deny the petition in writing in whole or part, stating the reasons for denial;

- ii. inform the petitioner in writing that the Board will study the information presented in the petition for a period not to exceed 90 days before denying or proceeding with the petition; or
 - iii. publish notice of the Board's consideration of action concerning a permanent or temporary Groundwater Management Area pursuant to subsection (8) of this Section.
- b. failure of the Board to act under subsection (6)(a) of this Section shall be deemed a denial of the petition.
7. If the Board determines that a correct and complete petition contains sufficient information to warrant the Board granting the petition, the Board shall proceed to hear the petition. The Board shall provide public notice of the hearing by:
- a. publishing a notice at least once each week for 3 successive weeks, with the first notice not less than 30 days before the date of the hearing in a newspaper of general circulation on the Reservation;
 - b. serving by mail a copy of the notice, not less than 30 days before the hearing, upon each Person or public agency known from an examination of the records of the Board to be a water right holder within the proposed or existing Groundwater Management Area;
 - c. serving by mail a copy of the notice upon any other Person, including Tribal, State or federal agencies, that the Board knows to be interested in or affected by the proposed designation, modification, or repeal of a Groundwater Management Area.
 - d. the notice under subsections (7)(a) through (7)(c) must include a summary of the basis for the proposed action. Publication and mailing of the notice as prescribed in this Section,

when completed, is considered to be sufficient notice of the hearing to all interested parties.

- e. the Board shall make available to the public on its website a complete copy of the petition or request to designate, modify, or repeal either permanent or temporary Groundwater Management Areas.
8. The Board may designate a permanent Groundwater Management Area if it finds by a preponderance of the evidence that any of the following criteria have been met:
- a. current or projected reductions of recharge to the aquifer or aquifers within the boundaries of the proposed permanent Groundwater Management Area will cause Groundwater levels to decline to the extent that water rights holders cannot reasonably exercise their water rights;
 - b. current or projected Groundwater withdrawals from the aquifer or aquifers in the boundaries of the proposed permanent Groundwater Management Area have reduced or will reduce Groundwater levels or surface water availability necessary for water rights holders to reasonably exercise their water rights;
 - c. current or projected Groundwater withdrawals from the aquifer or aquifers in the proposed permanent Groundwater Management Area have impaired or will impair Groundwater quality necessary for water right holders to reasonably exercise their water rights based on relevant water quality standards;
 - d. Groundwater within the proposed permanent Groundwater Management Area is not suitable for any beneficial use; or
 - e. public health, safety, or welfare is or will become at risk.

9. Monitoring and studies:

- a. if the Board finds that sufficient facts, including monitoring information, are not available to designate a permanent Groundwater Management Area, the Board may designate a temporary Groundwater Management Area to allow studies to obtain the facts needed to:
 - i. correct deficiencies that the Board identifies in a petition for a permanent Groundwater Management Area;
 - ii. determine the extent to which the criteria identified in subsection (8) are met or not met;
 - iii. determine appropriate control measures to implement to designate a permanent Groundwater Management Area.
- b. the Board shall set the length of time that the temporary Groundwater Management Area shall be in effect. The term of a temporary Groundwater Management Area may be extended by the Board, but may not exceed a total of 6 years.
- c. the Board shall determine the responsibility for funding the costs associated with subsection (9)(a). Any person on whom a funding responsibility is placed by the Board pursuant to this subsection may appeal that determination to a Court of Competent Jurisdiction, which shall review the determination for an abuse of discretion.
- d. prior to designating a temporary Groundwater Management Area, the Board shall provide notice and the opportunity for public hearing pursuant to the notice provisions of subsection (7) of this Section.

- e. a temporary Groundwater Management Area designation is for the purpose of monitoring and study and shall not include the control provisions set forth in subsection (10) of this Section, other than measurement, water quality testing, and reporting.
 - f. prior to expiration of a temporary Groundwater Management Area, and subject to the limitations of subsection (9)(b) of this Section, the Board may amend or repeal the establishment of the temporary Groundwater Management Area, or may designate a permanent Groundwater Management Area under this Section.
10. A permanent Groundwater Management Area may include, but is not limited to, one or more of the following provisions:
- a. closing the permanent Groundwater Management Area to further appropriation of surface water and/or Groundwater;
 - b. restricting the development of future surface water and/or Groundwater appropriations within the permanent Groundwater Management Area;
 - c. prohibiting or restricting the issuance of Stock Water Allowances pursuant to Section 2-2-116 of this Ordinance;
 - d. prohibiting or restricting the issuance of Domestic Allowances pursuant to Section 2-2-117 of this Ordinance;
 - e. requiring measurement and reporting of future surface water or Groundwater appropriations within the permanent Groundwater Management Area;
 - f. requiring water conservation measures within the permanent Groundwater Management Area;

- g. requiring mitigation of Groundwater withdrawals within the permanent Groundwater Management Area;
 - h. reporting data to the Board within the permanent Groundwater Management Area; and
 - i. other provisions that the Board determines are appropriate and adopts.
11. The Board, upon petition, may modify or repeal a Groundwater Management Area. Any petition seeking the modification or repeal of a permanent Groundwater Management Area must demonstrate by a preponderance of the evidence that current or projected recharge to the aquifer or aquifers or changes to current or projected Groundwater withdrawals from the aquifer or aquifers in the boundaries of an existing Groundwater Management Area justify modification or repeal of that Groundwater Management Area.
12. Appeal from any final decision of the Board concerning the designation, modification or repeal of any permanent Groundwater Management Area pursuant to this Section shall be as set forth in Section 2-2-112 of this Ordinance.
13. If the Board determines that it is appropriate for a Groundwater Management Area identified pursuant to this section to extend to an area adjacent to but outside the boundaries of the Reservation, the Board, through the Office of the Engineer, may petition the DNRC, pursuant to § 85-2-506(2)(c)(i), MCA, to designate a Controlled Groundwater Area in that adjacent area. Designation or modification by the DNRC of a Controlled Groundwater Area in any such adjacent area shall be governed by the procedures set forth in § 85-2-506, MCA.

1-1-110. Standards for Applications for Appropriation Rights and Changes in Use.

For any application for an Appropriation Right or Change in Use that is not one of the categories of Appropriation Right identified in Sections 1-1-112(1) or 2-2-118 of this Ordinance, in addition to whatever information is required by specific provisions of the Ordinance, all applications for Appropriation Rights and Changes in Use must include:

1. An identification of the proposed beneficial use.
2. An identification of the source of water supply.
3. A project description, including an identification of any water right(s) to be changed to a new use, if applicable.
4. A legal description of the point of diversion and the place of use.
5. The monthly volume(s) and flow rate(s) of the water supply to be diverted, withdrawn, or impounded, and the monthly volume(s) to be consumed; however the Office of the Engineer may require a more frequent quantification time step.
6. The monthly historic diverted, withdrawn, or impounded volume(s) and flow rate(s) and the historically consumed volume(s) of the water right(s) to be changed to a new use, if applicable; however, the Office of the Engineer may require a more frequent quantification time step.
7. The calculations, references and methodologies used to determine the volume(s) and flow rate(s) in subsections (5) and (6) above.
8. Identification of physical water availability and existing legal demands on the source of supply of water.
9. Evidence that the proposed means of diversion, construction, and operation of the appropriation works are adequate.

10. Evidence of possessory interest or the written consent of the person with the possessory interest in the property where the water is to be put to beneficial use, diverted, conveyed, impounded, stored, transported, withdrawn, used, and distributed.
11. Information showing that the water quantity or quality of an Appropriator will not be adversely affected, if applicable.
12. A United States Geological Survey (USGS) quadrangle map or United States Department of Agriculture (USDA) aerial photo must be included with the application.
 - a. The following items shall be clearly identified on the map:
 - (1) North arrow;
 - (2) Scale bar;
 - (3) Section corners and numbers;
 - (4) Township and range numbers;
 - (5) Property lines and ownership;
 - (6) Source(s);
 - (7) Point(s) of diversion;
 - (8) Means of conveyance;
 - (9) Place(s) of use;
 - (10) Place(s) of storage, if applicable;
 - (11) Surface water features;
 - (12) Measurement and instrument locations associated with the application;
 - and
 - (13) The place(s) of use of all associated and supplemental water rights.

- b. If the application is for a Change in Use, the site map shall also show the historic point(s) of diversion, place(s) of use, and place(s) of storage, as applicable.
- c. Additional maps shall be submitted if the information on one map cannot convey the required information clearly and shall be of the same scale so the maps can be overlain.

1-1-111. Groundwater Diversion Standards

1. Wells:

- a. Persons that drill, make, or construct Wells, including monitoring Wells, on the Reservation shall comply with Title 37 Chapter 43, MCA, and ARM 36 Chapter 21 licensing, conduct, and regulatory requirements, or any successor provisions promulgated in State law.
- b. All Well construction on the Reservation shall meet the standards set forth in ARM 36 Chapter 21, or any successor provisions promulgated in State law.
- c. Construction and operations of all Wells must comply with all applicable federal, State, Tribal, and local environmental regulations.

2. Developed Springs:

- a. All Developed Spring collection components, including but not limited to infiltration galleries, infiltration basins, and French drains, shall be installed and buried under the surface of the ground.
- b. All means of storage and conveyance, including but not limited to supply pipes, cisterns, and pump housings, shall be sealed and made impervious to water and designed in a manner that protects the source from backflow and surface contamination.
- c. Open pits, ponds, or excavations shall not be used as a means of diversion for Developed Springs.

- d. Construction and operation of all Developed Springs must comply with all applicable federal, State, Tribal, and local environmental regulations.
3. Aquifer Injection and Injection Wells are not allowed except when used exclusively for Heating/Cooling Exchange Wells.

1-1-112. Mitigation

1. Unless any provision of a Groundwater Management Area established pursuant to 1-1-109 specifically requires Mitigation for any of the following categories of Appropriation Rights, Mitigation is not required for Appropriation of:
 - a. Redundant or Substitute Wells pursuant to Section 2-2-115 of this Ordinance;
 - b. Stock Water Allowances pursuant to Section 2-2-116 of this Ordinance;
 - c. Domestic Allowances pursuant to Section 2-2-117 of this Ordinance;
 - d. Heating/Cooling Exchange Wells pursuant Section to 2-2-119 of this Ordinance;
 - e. Temporary Emergency Appropriations pursuant to Section 2-2-120 of this Ordinance; or
 - f. Short-term uses of an Appropriation Right pursuant to Sections 2-2-121 and 2-2-122 of this Ordinance.
2. Mitigation is not required for Appropriation of Flathead System Compact Water Pursuant to 2-2-118 of this Ordinance.
3. Any Appropriation Right that results in a Net Depletion of either surface water or Groundwater shall offset the entire Net Depletion that results in adverse effect to any Appropriator through the use of Mitigation pursuant to a Mitigation Plan.
4. An adverse effect to a Wetland Protective Appropriation Right recognized in Article III.C.1.f of the Compact or a Wetland Protective Appropriation Right issued pursuant to Section 2-2-

123 of this Ordinance that requires Mitigation shall include, but is not limited to, a water supply alteration that would cause:

- a. reductions of the Wetland boundary in excess of the normal range of variability in water;
or
- b. unnatural Wetland plant community change.

5. A Mitigation Plan must include:

- a. a plan of use for the proposed Appropriation Right for which the Mitigation Plan is required;
- b. an identification of the location, volume, and timing (by monthly or more frequent time step as determined by the Engineer) of the adverse effect to be mitigated;
- c. if necessary, evidence that an application for a Change in Use has been submitted;
- d. the amount of water reallocated through exchange or substitution that is required to mitigate the adverse effect;
- e. evidence that the water for Mitigation is legally and physically available;
- f. evidence of how the Mitigation Plan will offset the Net Depletion in a manner that will offset any adverse effect to any Appropriator; and
- g. evidence that the necessary water quality permits, if any, have been applied for pursuant to the Tribal Water Quality Management Ordinance.

6. No applicant for an Appropriation Right shall be required to provide more Mitigation than the quantity needed to offset the adverse effects of that proposed new Appropriation Right on any Appropriator.

7. Compliance with a Mitigation Plan and proof of any water quality permit(s) issued pursuant to the Tribal Water Quality Management Ordinance, if applicable, must be included as a written condition on any Appropriation Right or Change in Use authorization that is conditioned on Mitigation.
8. If compliance with a Mitigation Plan or any applicable water quality permit(s) issued pursuant to the Tribal Water Quality Management Ordinance ceases or terminates, the holder of the Appropriation Right conditioned on compliance with the Mitigation Plan shall immediately notify the Office of the Engineer, and use of the Appropriation Right shall be suspended immediately until a new Mitigation Plan is approved and implemented pursuant to this Ordinance.

1-1-113. Codification, Severability and Defense.

1. The provisions of this Ordinance are severable, and a finding of invalidity of one or more provisions hereof shall not affect the validity of the remaining provisions.
2. This Ordinance is intended to function in conjunction with those portions of Title 85 of the Montana Code Annotated codified at _____. Should those portions of the Mont. Code Ann. be amended by subsequent legislation without contemporaneous and materially identical Tribal amendment to this Ordinance, this Ordinance shall govern the use of waters within the Reservation, irrespective of the amended provisions of State law, until such time as the laws of the Tribes and the State are rendered mutually consistent. Similarly, should this Ordinance be amended without contemporaneous and materially identical amendment of the provisions adopted into State law, those pre-existing provisions of Montana law shall

govern the use of waters within the Reservation, irrespective of the amended provisions, until such time as the laws of the Tribes and the State are rendered mutually consistent.

3. This Ordinance and subsequent amendments thereto are subject to the approval of the Secretary.
4. Any amendment to this Ordinance that is approved by the Tribes, the State and the Secretary is pursuant to, and shall not be deemed a modification of, the Compact.
5. The Tribes adopt this code and the State adopts its parallel legislation only after concluding its provisions are lawful. Should the legality of the Ordinance, or parallel State legislation, or any provision thereof be challenged in any court, the parties shall use their best effort jointly to defend the enforceability of the Ordinance, the parallel State legislation and each of the respective provisions.

1-1-114. Effective Date. This Ordinance and each provision hereof according to its terms shall take effect on the Effective Date of the Compact.

PART 2 - UNITARY ADMINISTRATION AND MANAGEMENT

1-2-101. Purpose. The purpose of this Part is to establish the processes applicable to all surface and Groundwater use within the exterior boundaries of the Flathead Indian Reservation.

1-2-102. Establishment and Composition of the Water Management Board. Pursuant to Article IV.I of the Compact, the Water Management Board is established.

1-2-103. Qualifications of Board Members.

As set forth in Article IV.I.2.f of the Compact:

1. A Board member shall be over 18 years of age.
2. A Board member shall be a Reservation resident, which means, for the purposes of filling a position on the Board, an individual who:
 - a. does business within Flathead Indian Reservation boundaries,
 - b. is domiciled within Flathead Indian Reservation boundaries, or
 - c. owns and maintains a seasonal residence within Flathead Indian Reservation boundaries.
3. No elected official of the State of Montana, or any political subdivision thereof, or of the United States, or of the Tribes is eligible for nomination to the Board while holding such elective office. However, a nominee for Board membership shall not be disqualified by reason of the fact that he or she is an employee or contractor of the State of Montana or any political subdivision thereof, or of the Tribes, or of the United States.
4. A Board member shall have education and experience in one or more of the following fields: natural resources management, public administration, agriculture, engineering, commerce or finance, hydrology, biological sciences, water law or water policy.
5. No Board member may vote on any application or appeal that the member participated in personally and substantially in any non-Board capacity.

1-2-104. Public Meetings and Records.

As set forth in Article IV.I.7 of the Compact:

1. Notwithstanding any other provisions of law, the Board is a public agency for purposes of the applicability of State and Tribal right to know laws.
2. All regular and special meetings of the Board, including all hearings conducted by the Office of the Engineer or the Board pursuant to the provisions of Chapter 2 Part 2, and Chapter 3 of this Ordinance, shall be open to the observation of the general public pursuant to State and Tribal open meeting laws. Where there is a conflict of laws, the law that provides for greater openness to the public applies.
3. Where no more specific notice provisions are set forth in this Ordinance, notice of any meeting, including a draft agenda, shall be provided to the public in a manner and on a timeframe consistent with the criteria set forth in State and Tribal law. Where there is a conflict of laws, the law that provides for earlier notice shall apply.
4. The Board shall keep the following records:
 - a. minutes of all meetings;
 - b. recordings of all hearings conducted by the Board or the Office of the Engineer pursuant to the provisions of Chapter 2 Part 2, and Chapter 3 of this Ordinance;
 - c. all documents filed with or generated by the Board or the Office of the Engineer pursuant to this Ordinance;
 - d. any other records required by applicable provisions of State or Tribal law, provided that if there is a conflict of laws, the law that provides for more expansive record retention shall apply.
5. All Board records are public records and shall be made available to the public for inspection under such reasonable terms and conditions as the Board shall establish.

1-2-105. Compensation and Expenses of the Board. As set forth in Article IV.I.2.h of the Compact, each Board member shall receive such compensation for services and reimbursement for expenses for attendance at Board meetings as shall be fixed by the State and the Tribal Council for the Board members appointed by the same. The compensation for the fifth Board member shall set jointly by the State and the Tribal Council. The compensation and expenses of the Federal *ex officio* member shall be paid for by the United States.

1-2-106. Quorum and Voting of the Board. As set forth in Article IV.I.3 of the Compact, four voting members of the Board shall constitute a quorum. No Board action may be voted upon in the absence of a quorum. All Board decisions shall be by affirmative vote of a majority of the Board. If a proposal put to a vote of a quorum of Board members ends in a tie vote, the proposal, or matter under consideration is deemed disapproved or denied.

1-2-107. Powers and Duties of the Board.

1. The Board shall have those powers and duties set forth in Article IV.I.4 and 5 of the Compact and in this Ordinance, including those powers necessary and proper to carry out all Board responsibilities as set forth in the Compact and this Ordinance.
2. As set forth in the Compact, the Board shall have exclusive jurisdiction to resolve any controversy as between the Parties or between or among holders of Appropriation Rights and Existing Uses on the Reservation over the meaning and interpretation of the Compact and this Ordinance.

1-2-108. Technical Assistance to the Board and the Engineer. The NRD and the DNRC shall, within the limits of their respective expertise and resources, and when so requested by the Board or the Office of the Engineer, collect, compile, and analyze information related to waters of the Reservation, their use, and the works associated with their use, and produce reports and provide technical assistance and advice to the Board or the Office of the Engineer.

1-2-109. Qualifications of the Water Engineer.

1. The Water Engineer shall be a professional in one or more of the following water resources or management related fields:
 - a. water resources management;
 - b. hydrology;
 - c. hydrogeology;
 - d. environmental science;
 - e. business or public administration;
 - f. biological science;
 - g. civil engineering;
 - h. environmental engineering; or
 - i. law.

2. The Water Engineer shall have a minimum of a bachelor's degree with 10 years of increasingly responsible experience, including three years of management experience, or a master's degree with seven years of increasingly responsible experience, including three years of management experience, or an appropriate combination of education and experience.
3. The Water Engineer shall have the skill to deal with a diverse and sometimes contentious public.
4. The Water Engineer shall have the ability to:
 - a. successfully manage the water resources staff;
 - b. provide technical assistance to the Board; and
 - c. act as a hearings officer and document decisions and orders in writing.

1-2-110. Duties of the Engineer. The Engineer shall be an employee of the Board and shall exercise the duties set forth in the Compact and this Ordinance, and as assigned by the Board pursuant to the Compact and this Ordinance. These duties include, but are not limited to:

1. The administration of water rights on the Reservation, and the enforcement of the terms of this Ordinance and the conditions of all Appropriation Rights, determinations, orders, regulations, plans, policies, guidelines, and other actions taken by the Engineer or the Board, pursuant to the Compact and this Ordinance;
2. Coordination with the Project Manager, as far as practicable, of the operations of the FIIP with the administration and enforcement of water rights outside of the FIIP;
3. The supervision and management of Staff; and

4. The development and submission to the Board of budget requests for approval by the Board and forwarding to the Tribes and State for the purpose of securing necessary appropriations.

1-2-111. Immunity from Suit. Members of the Board, the Engineer, any Designee, any Water Commissioner appointed pursuant to Section 3-1-114 of this Ordinance, and any Staff shall be immune from suit for damages arising from the lawful discharge of an official duty associated with the carrying out of powers and duties set forth in the Compact or this Ordinance relating to the authorization, administration or enforcement of water rights on the Reservation.

1-2-112. Filing Fees. A filing fee shall be paid at the time an application is filed with the Office of the Engineer under Section 2-1-107, 2-2-104, 2-2-115, 2-2-116, 2-2-117, 2-2-118, 2-2-119, 2-2-123, or 2-2-124 of this Ordinance. The amount of the fee shall be the same as the fee charged by DNRC for the same type of application under State law, as those fees may be modified from time to time by the DNRC. The Board shall post notice of the applicable amount of these fees at the Office of the Engineer and on the Board's website.

CHAPTER II WATER USE

PART 1. GENERAL PROVISIONS

2-1-101. Registration of Uses of the Tribal Water Right in Existence as of the Effective Date of the Compact.

1. Pursuant to Article III.C.1.b of the Compact, the Tribes, each Tribal Member, and each Allottee who claims to have an Existing Use of waters of the Reservation which is part of the Tribal Water Right shall file a registration of Existing Use of the Tribal Water Right with the Engineer. Uses of the Tribal Water Right for which abstracts are appended to this Compact, including uses on the FIIP, are exempt from this registration requirement.
2. Historically irrigated allotments with serviceable delivery systems that are held by individuals and in trust by the United States, and are not served by the FIIP, shall be eligible to be registered pursuant to the provisions of Sections 2-1-101 *et seq.* even if such allotments are not being irrigated on the Effective Date of the Compact.
3. The NRD shall provide assistance to the Tribes, Tribal Members, and Allottees in preparing registrations of Existing Uses of the Tribal Water Right for filing.
4. No Tribal Member or Allottee may exercise, for the same water use, both a registration of Existing Use of the Tribal Water Right and a Water Right Recognized Under State Law.

2-1-102. Process for Registration of Existing Use of the Tribal Water Right.

1. The Tribes, Tribal Members, and Allottees claiming a use of water that falls under the terms of Section 2-1-101 shall, within five years of the Effective Date of this Ordinance, file a Registration Form with the Board documenting the registration of Existing Use of the Tribal Water Right and identifying:

- a. the rate and volume of water used;
 - b. the source of supply for the use;
 - c. the point of diversion by legal land description;
 - d. the place of use by legal land description;
 - e. the period of use
 - f. the period of diversion;
 - g. the place of storage (if applicable);
 - h. the capacity of storage (if applicable);
 - i. the purpose; and
 - j. the means of diversion.
2. Upon receipt, the Board shall transmit the Registration Form to the Office of the Engineer.
3. Upon receipt of the Registration Form, the Office of the Engineer shall review the Registration Form within 180 days and may either issue a Registration Certificate or return a defective Registration Form to the filer, together with the reasons for returning it. Upon receiving a corrected Registration Form, the Office of the Engineer has 90 days from the certified receipt of the corrected Registration Form to issue a Registration Certificate or reject the registration. If the Office of the Engineer neither issues a Registration Certificate nor rejects the registration within the initial 180 day review period, the Registration Form shall be deemed approved and the Board shall issue a Registration Certificate. If the Office of the Engineer neither issues a Registration Certificate nor rejects the registration within 30 days of certified receipt of a corrected Registration Form, the Registration Form shall be deemed approved and the Board shall issue a Registration Certificate.

4. Any Person filing a Registration Form or a corrected Registration Form with the Office of the Engineer pursuant to subsections (1) and (3) of this Section who is dissatisfied with the rejection of that corrected Registration Form by the Office of the Engineer pursuant to subsection (3) of this Section may appeal that rejection to the Board by filing a notice of appeal to the Board within 30 days of the rejection of the corrected Registration Form. To be filed, a notice must be placed in the custody of the Board within the time fixed for filing. Filing may be accomplished by mail addressed to the Board, but filing shall not be timely unless the papers are actually received within the time fixed for filing. Immediately upon receipt by the Board, the notice of appeal shall be date stamped.
5. Any appeal to the Board filed pursuant to subsection (4) of this Section shall be conducted pursuant to the provisions of Section 3-1-104 of this Ordinance.

2-1-103. Fee for Filing Registration of Existing Use of the Tribal Water Right.

The Board shall not charge any fees for the processing of registrations or corrected registrations of Existing Uses of the Tribal Water Right.

2-1-104. Tribal Member and Allottee Entitlements Pursuant to 25 U.S.C. Section 381.

All Tribal Members' and Allottees' entitlements pursuant to 25 U.S.C. Section 381 are hereby recognized and confirmed. The attributes of these entitlements shall be defined through either:

1. the process set forth in Section 2-1-101 *et seq.* of this Ordinance, if the Tribal Member or Allottee with an entitlement pursuant to 25 U.S.C. Section 381 also has a use of water eligible for the registration process set forth in those sections of this Ordinance; or

2. by applying for a New Appropriation as provided in Section 2-2-101 *et. seq.* of this Ordinance or by applying to develop a use of Flathead System Compact Water as provided in Section 2-2-118 of this Ordinance, if the Tribal Member or Allottee with an entitlement pursuant to 25 U.S.C. Section 381 does not have a use of water eligible for the registration process set forth in Section 2-1-101 *et seq.* of this Ordinance.

2-1-105. Tribal, Tribal Member and Allottee Challenge of a Registration Certificate Issued by the Office of the Engineer.

The Tribes, Tribal Members, and Allottees may seek judicial review of any final decision by the Board pursuant to Section 2-1-102(4) of this Ordinance by filing a petition for judicial review with the Tribal Court of the Tribes within 30 days of the issuance of the final Board decision. In considering the petition, the Board's legal conclusions shall be reviewed for correctness and its factual findings for abuse of discretion.

2-1-106. Registration of Certain Other Previously Unrecorded Existing Uses. Persons who have Existing Uses on the Reservation as of the effective date of this Ordinance shall register such Existing Uses with the Board if those uses:

1. Were not required to be filed, pursuant to 85-2-222, MCA, and in fact were not filed as claims in the Montana General Stream Adjudication for a pre-1973 use of water arising under State law; or
2. Were developed on or after July 1, 1973, at a volume and flow rate that would qualify as an exception to the permit requirements of 85-2-306, MCA, and for which a notice of

completion of Groundwater development (DNRC Form 602) or an application for provisional permit for completed Stock Water pit or reservoir (DNRC Form 605) was filed with the DNRC but not processed by the DNRC.

3. Were developed after July 1, 1973, at a volume and flow rate that would qualify as an exception to the permit requirements of 85-2-306, MCA, and for which a notice of completion of Groundwater development (DNRC Form 602) or an application for provisional permit for completed Stock Water pit or reservoir (DNRC Form 605) was not filed with the DNRC.

2-1-107. Process for Registration of Certain Other Previously Unrecorded Existing Uses.

1. Each Person claiming an Existing Use of water that falls under the terms of Section 2-1-106 shall, within 180 days of the effective date of this Ordinance, file a Registration Form with the Board documenting that the Existing Use is for a purpose and with a flow rate and volume that falls within the terms of Section 2-1-106, and identifying:
 - a. the date of first use of the water;
 - b. the source of supply for the use;
 - c. the point of diversion by legal land description;
 - d. the place of use by legal land description; and
 - e. the period of use.
2. Within 30 days of the Effective Date, the DNRC shall transmit to the Board all filed but not processed completion notices (DNRC Form 602 or 605) it has received for water uses excepted from the permitting requirements of State law developed within the boundaries of

the Reservation after August 22, 1996. The transmission of these notices shall constitute compliance with Section 2-1-107(1) of this Ordinance for those uses eligible for registration pursuant to Section 2-1-106(2) of this Ordinance. No additional fee shall be required for the processing of the forms transmitted by the DNRC.

3. Upon receipt, the Board shall transmit the Registration Form to the Office of the Engineer.
4. Upon receipt of the Registration Form, the Office of the Engineer shall review the Registration Form within 180 days and may either issue a Registration Certificate or return a defective Registration Form to the filer, together with the reasons for returning it. If a corrected Registration Form is submitted within 30 days of its return by the Engineer, no new filing fee shall be required. Upon receiving a corrected Registration Form, the Office of the Engineer has 90 days from the certified receipt of the corrected Registration Form to issue a Registration Certificate or reject the registration. If the Office of the Engineer neither issue a Registration Certificate nor rejects the registration within the initial 180 day review period, the Registration Form shall be deemed approved and the Board shall issue a Registration Certificate. If the Office of the Engineer neither issues a Registration Certificate nor rejects the registration within 90 days of certified receipt of a corrected Registration Form, the Registration Form shall be deemed approved and the Board shall issue a Registration Certificate.
5. For any use registered under Section 2-1-106(1) of this Ordinance, the priority date of the use shall be the date of first beneficial use, and such a date shall be reflected on the Registration Certificate.

6. For any use under Section 2-1-106(2) of this Ordinance, the priority date for the use shall be the date of filing of the appropriate form, and such a date shall be reflected on the Registration Certificate.
7. For any use under Section 2-1-106(3) of this Ordinance, the priority date for the use shall be the Effective Date of the Compact, and that date shall be reflected on the Registration Certificate.
8. Any Person filing a corrected Registration Form with the Office of the Engineer pursuant to subsection (2) of this Section who is dissatisfied with the rejection of that corrected Registration Form by the Office of the Engineer pursuant to subsection (2) of this Section may appeal that rejection to the Board by filing a notice of appeal to the Board within 30 days of the rejection of the corrected Registration Form. To be filed, a notice must be placed in the custody of the Board within the time fixed for filing. Filing may be accomplished by mail addressed to the Board, but filing shall not be timely unless the papers are actually received within the time fixed for filing. Immediately upon receipt by the Board, the notice of appeal shall be date stamped.
9. Any appeal to the Board filed pursuant to subsection (6) of this Section shall be conducted pursuant to the provisions of Section 3-1-104 of this Ordinance.

2-1-108. Failure to Register an Existing Use of Water.

Failure to register an Existing Use that is subject to registration as provided for under Sections 2-1-101, 2-1-102, and 2-1-106(2) and (3) of this Ordinance, shall divest the holder of the Existing

Use of any legal protections otherwise afforded under the Compact and this Ordinance, to the extent not inconsistent with federal law.

2-1-109. Limitation to Beneficial Use. Beneficial use shall be the basis, measure and limit to Appropriation Rights issued pursuant to this Ordinance.

2-1-110. No Adverse Possession. No right to use water within the Reservation may be acquired by prescription or by adverse possession of use.

2-1-111. Abandonment of Appropriation Right.

1. No part of the Tribal Water Right is subject to abandonment by nonuse.
2. If an Appropriator, other than a user of any portion of the Tribal Water Right, ceases to use all or a part of an Appropriation Right, or any Existing Use, with the intention of wholly or partially abandoning the right, or if the appropriator ceases using the right according to its terms and conditions with the intention of not complying with those terms and conditions, the Appropriation Right or Existing Use is, to the extent of the nonuse, considered abandoned and must immediately expire.
3. If an Appropriator, other than a user of any portion of the Tribal Water Right, ceases to use all or part of an Appropriation Right or Existing Use, or ceases using the Appropriation Right or Existing Use according to its terms and conditions for a period of 10 successive years and there was water available for use, there is a prima facie presumption that the Appropriator has abandoned the right for the part not used.

4. If an Appropriator ceases to use all or part of an Appropriation Right or Existing Use in compliance with a candidate conservation agreement initiated pursuant to 50 CFR 17.32 or because the land to which the water is applied to a beneficial use is contracted under a state, tribal, or federal conservation, mitigation, or set-aside program:
 - a. the land set-aside and resulting reduction in use of the Appropriation Right or Existing Use from the conservation, mitigation, or set-aside program shall not be construed as an intent by the appropriator to wholly or partially abandon the Appropriation Right or Existing Use or to not comply with the terms and conditions attached to the right; and
 - b. the period of nonuse that occurs for part or all of the Appropriation Right or Existing Use as a result of the conservation, mitigation, or set-aside program shall not create and shall not be added to any previous period of nonuse to create a prima facie presumption of abandonment.

2-1-112. Procedure for Declaring Abandonment.

1. An Appropriator who claims to have been or alleges will be injured by the resumption of use of an Appropriation Right or Existing Use alleged to have been abandoned may file a petition with the Office of the Engineer to declare the Appropriation Right or Existing Use abandoned in whole or in part. Upon receipt of the petition, the Office of the Engineer shall date stamp it.
2. If the Engineer or Designee finds that the petition provides enough information to give rise to a question of abandonment, the petition shall be posted on the Board's website within 10 working days of the determination of validity. If the Engineer or Designee finds that the

petition fails to provide enough information to give rise to a question of abandonment, the petition shall be rejected.

3. Upon a finding of validity pursuant to subsection (2) of this Section, a hearing shall be set within 180 days of the determination of validity, or any extended period of time, not to exceed 90 days, granted by the Engineer, for the Engineer or Designee to determine whether the Appropriation Right or Existing Use has been abandoned. Discovery prior to hearing will be as provided by the Engineer or Designee, and may commence following the notice of the hearing.
4. The owner of the right alleged to have been abandoned shall be personally served notice of the hearing by the Office of the Engineer and the hearing shall be publicly noticed by the Office of the Engineer once via a legal notice in a local newspaper of general circulation and posted by the Office of the Engineer on the Board's website for a period of 10 days commencing not less than 30 days from the date of the hearing.
5. At the hearing on the petition, the burden of proof shall be on the petitioner who must prove by a preponderance of the evidence that the Appropriation Right or Existing Use has been abandoned pursuant to Section 2-1-111 of this Ordinance, unless a prima facie presumption of abandonment has arisen pursuant to Section 2-1-111(3). In such circumstances, the burden of proof is shifted to the owner of the right alleged to have been abandoned, who must prove by a preponderance of the evidence a lack of intent to abandon the right in question.
6. The hearing shall be recorded electronically and an official record maintained. All evidence that, in the opinion of the Engineer or Designee, possesses probative value shall be admitted,

including hearsay, if it is the type of evidence commonly relied upon by reasonably prudent Persons in the conduct of their normal business affairs. Rules of privilege recognized by law shall be given effect. Evidence which is irrelevant, immaterial, or unduly repetitious shall be excluded.

7. A written decision by the Engineer or Designee shall be rendered within 60 days of the hearing, disseminated to the parties, and posted by the Office of the Engineer on the Board's website within 10 days of its issuance. If the individual who conducted the hearing becomes unavailable to the Office of the Engineer, a decision may be prepared by an individual who has read the record only if the demeanor of witnesses is considered immaterial by all parties; if any party considers the demeanor of any witness to be material to the resolution of the appeal, a new hearing must be held.
8. Any party to the abandonment hearing dissatisfied with the decision of the Engineer or Designee may appeal to the Board (and become an appellant) and obtain review of the Engineer's or Designee's decision. A notice of appeal to the Board must be filed with the Board within 30 days of the Engineer's or Designee's decision. To be filed, a notice must be placed in the custody of the Board within the time fixed for filing. Filing may be accomplished by mail addressed to the Board, but filing shall not be timely unless the papers are actually received within the time fixed for filing. Immediately upon receipt by the Board, the notice of appeal shall be date stamped.
9. Appeal to the Board pursuant to subsection (8) of this Section, shall be made and resolved pursuant to the provisions of Section 2-2-111.

10. Any petitioner whose petition is rejected by the Engineer or Designee as failing to provide enough information to give rise to a question of abandonment may appeal the Engineer's decision to the Board pursuant to the provisions of Section 3-1-104 of this Ordinance.

2-1-113. Prevention of Waste and Interference with Lawful Use.

1. Waters within the Reservation may not be wasted, nor may water be used unlawfully, nor may a lawful use of water be interfered with.
2. All facilities, works and equipment associated with the withdrawal, impoundment, pumping, diversion, drainage, or transmission of waters on the Reservation shall be so constructed, installed, and maintained as to prevent the Waste, contamination, or pollution of surface and Groundwater and to avoid injury to the lands and property of others. All wells, producing and non-producing, which may contaminate other surface or Groundwater must be properly abandoned or upgraded with a sanitary seal, in accordance with the water well criteria incorporated by reference in Section 1-1-111 of this Ordinance. All flowing wells shall be capped or equipped with valves so that the flow of water can be stopped when the water is not being put to beneficial use.
3. The Board, on its own initiative or through the Office of the Engineer, may require the recipient of any Appropriation Right issued pursuant to this Ordinance to construct or install a weir, head gate, valve, meter, gauge, or other reasonable and appropriate device for the control and measurement of water and for the prevention of Waste.

2-1-114. Issuance of Appropriation Right Does Not Constitute Permission to Trespass. The issuance of an Appropriation Right pursuant to this Ordinance does not constitute a license or permission to trespass on land which the holder of the Appropriation Right does not otherwise have a legal right to access, nor does it constitute a ditch right.

2-1-115. Development of Enforceable Schedule for the Tribes' Other Instream Flow Rights.

1. As set forth in the Compact, each of the Tribes' instream flow rights identified in Article III.C.1.d.iii of the Compact shall not be enforceable until after an enforceable schedule for that stream reach is promulgated pursuant to the process set forth in this Section. This process shall not commence for any stream reach until the Compact has been finally approved by the Montana Water Court, and until the Montana Water Court has issued a final decree for the water court basin (76L or 76LJ) in which that stream reach lies, including the expiration of all time for appeals, or the resolution of any such appeal, whichever date is latest (the "Eligibility Date").
2. At any time after the Eligibility Date, the Tribes may initiate the enforceable schedule process for any given stream reach included in the rights identified in Article III.C.1.d.iii of the Compact by:
 - a. providing notice to water rights holders in the reach of the Tribes' initiation of the process to finalize and implement the enforceable schedule;
 - b. developing a full summary of all Water Rights Arising Under State Law in the reach, including a monthly time-step pattern of water use;

- c. developing a summary of streamflow conditions, at or near each enforceable schedule compliance point within the reach area, utilizing:
 - i. streamflow gaging information; or
 - ii. an accepted hydrologic analysis procedure to estimate streamflow conditions. The method to develop streamflow information will be based on the professional judgment of the Tribes' hydrologist responsible for coordinating the enforceable schedule process; and
 - d. preparing a report on the availability of water to fulfill the Tribes' instream flow water right for that reach area.
3. The Tribes shall prepare each proposed enforceable schedule based on a water budget that allows valid water rights to be exercised.
 4. The Tribes shall hold one or more public meetings, and provide timely advanced notice to affected water users of each such meeting, to report on the completion of the water availability study and the proposed enforceable schedule for that reach area.
 5. The Tribes shall consider the public comment received either at the public meeting(s) or within 30 days thereafter, and shall finalize the proposed enforceable schedule for a given reach area no fewer than 45 days after the day of the last public meeting.
 6. The Tribes shall provide written notice to the Engineer of the finalized proposed enforceable schedule, including an explanation of the technical basis therefore. Upon receipt, the Engineer shall forward the proposed enforceable schedule to Staff for review.
 7. Staff, using information from the written notice, as well as their own compilation of independent resources and analysis, if available, shall issue a recommended decision as to

whether to adopt the enforceable schedule within 90 days of the date of the written notice provided by the Tribes pursuant to subsection (6) of this Section.

8. If the recommended decision is to adopt the enforceable schedule, a summary of the proposed enforceable schedule and the recommended decision shall be publicly noticed by the Office of the Engineer once via a legal notice in a local newspaper of general circulation and posted by the Office of the Engineer on the Board's website for a period not less than 45 days from the date the recommendation is issued. A summary of the proposed enforceable schedule and the recommended decision shall also be distributed electronically to individuals or entities who have registered with the Board to receive electronic notice. If no objections are filed within 45 days of the initial publication of the recommended decision by the Office of the Engineer, or if all filed objections are unconditionally withdrawn prior to being ruled upon, the application shall be granted by the Engineer or Designee within 10 days after expiration of the time for filing objections or after the unconditional withdrawal of the last objection, whichever date is later.
9. Objections to a proposed enforceable schedule may be filed only by holders of water rights in the particular stream reach for which the enforceable schedule is proposed. The only cognizable ground for objection is that the proposed enforceable schedule will have an adverse effect on the objector's water right. An objection must describe the alleged adverse effect on the objector's water right. The burden of proof shall be on the objector.
10. An objector or the Tribes may elect to have any valid objection decided on the record or after hearing. If the objector elects to have a hearing, that request must be made at the same time as the filing of the objection or the objector's right to a hearing is waived. The Tribes must

invoke the right to a hearing within 10 days of receiving notice of the objection or the Tribes' right to a hearing is waived.

11. Discovery prior to hearing will be as provided by the Engineer or Designee, and may commence following the receipt of a valid objection.
12. The Engineer or Designee, after issuance of notice of hearing, may not communicate with any party to that case or any party's representative(s) in connection with any issue of fact or law in the case except upon notice and opportunity for all parties to participate.
13. The hearing shall be recorded electronically and an official record maintained.
14. All evidence that, in the opinion of the Engineer or Designee, possesses probative value shall be admitted, including hearsay, if it is the type of evidence commonly relied upon by reasonably prudent Persons in the conduct of their normal business affairs. Rules of privilege recognized by law shall be given effect. Evidence which is irrelevant, immaterial, or unduly repetitious shall be excluded.
15. A written decision by the Engineer or Designee shall be rendered within 60 days of the hearing, disseminated to the parties, and posted by the Office of the Engineer on the Board's website within 10 days of its issuance. If the individual who conducted the hearing becomes unavailable to the Office of the Engineer, a decision may be prepared by an individual who has read the record only if the demeanor of witnesses is considered immaterial by all parties to the case. If any party considers the demeanor of any witness to be material to the resolution of the appeal, a new hearing must be held.
16. The Tribes or any objector dissatisfied with the final decision of the Engineer or Designee may appeal to the Board (and become an appellant) and obtain review of the Engineer's or

Designee's decision. A notice of appeal to the Board must be filed with the Board within 30 days of the Engineer's or Designee's decision. To be filed, a notice must be placed in the custody of the Board within the time fixed for filing. Filing may be accomplished by mail addressed to the Board, but filing shall not be timely unless the papers are actually received within the time fixed for filing. Immediately upon receipt by the Board, the notice of appeal shall be date stamped. Appeal to the Board shall be resolved pursuant to the provisions of Section 2-2-111 of this Ordinance.

17. If the recommended decision is to reject the proposed enforceable schedule, the Tribes may withdraw the proposed enforceable schedule within 10 days of the issuance of the recommended decision, or may appeal the recommended decision to the Engineer by filing a notice of appeal within 30 days of issuance of the recommended decision. The Tribes may elect to have the appeal decided on the record, after submission of additional evidence and argument, or after hearing. If the Tribes elect to have a hearing, that request must be made at the same time as the filing of the notice of appeal or the right to a hearing is waived. The notice of appeal must specify those parts of the recommended decision claimed to be in error.
18. Within 60 days from the filing of the notice of appeal, or any extended period of time, not to exceed 60 days, granted by the Engineer or Designee, the Tribes may submit additional factual evidence and legal argument in support of the proposed enforceable schedule. Staff who issued the recommended decision shall have 45 days from the Tribes' submission to revise, amend, or affirm the recommended decision in a second recommended decision that explains in writing the rationale for the second recommended decision.

19. If the recommended decision or second recommended decision is to reject the proposed enforceable schedule and no notice of appeal is filed pursuant to this Section, the proposed enforceable schedule shall be deemed rejected the day after expiration of the time for filing a notice of appeal. The rejection of a proposed enforceable schedule does not preclude the Tribes from filing another proposed enforceable schedule for the same or any other stream reach identified in the rights set forth in Article III.C.1.d.iii of the Compact.
20. The Tribes bear the burden of demonstrating to the Engineer or Designee by a preponderance of the evidence, whether a hearing is held or not, that the recommended decision or second recommended decision is in error.
21. If the Tribes request a hearing before the Engineer or Designee, a hearing shall be held no later than the latest of the following:
- a. 90 days after the filing of the notice of appeal; or
 - b. 30 days after the issuance of a second recommended decision pursuant to subsection (2) of this Section, whichever is later.
22. The hearing shall be recorded electronically and an official record maintained. All evidence that, in the opinion of the Engineer or Designee, possesses probative value shall be admitted, including hearsay, if it is the type of evidence commonly relied upon by reasonably prudent Persons in the conduct of their normal business affairs. Rules of privilege recognized by law shall be given effect. Evidence which is irrelevant, immaterial, or unduly repetitious shall be excluded.

23. A decision by the Engineer or Designee to reverse, modify, or affirm the recommended decision or the second recommended decision shall be made in writing within 60 days after the later of:
- a. the filing of a notice of appeal pursuant to subsection (1) of this Section;
 - b. the submission of additional evidence or legal argument pursuant to subsection (2) of this Section;
 - c. issuance of Staff's second recommended decision; or
 - d. the completion of the hearing.
24. If the Engineer or Designee reverses the recommended decision or the second recommended decision, and determines that the enforceable schedule should not have been rejected, the proposed enforceable schedule shall be publicly noticed to the public and processed pursuant to the provisions of subsections (8)-(16) of this Section.
25. If the Engineer or Designee affirms the recommended decision or the second recommended decision, resulting in the rejection of the proposed enforceable schedule, the Tribes may either accept that decision by withdrawing the proposed enforceable schedule or taking no further action, or may appeal that decision to the Board pursuant to Section 2-2-111 of this Ordinance. If no timely notice of appeal is filed, the proposed enforceable schedule shall be deemed rejected on the day after the expiration of the time to file the notice of appeal.
26. Any final Board decision on implementation of the enforceable schedule made pursuant to the process outlined in this Section may be appealed pursuant to Section 2-2-112 of this Ordinance.

PART 2. PERMIT AND CHANGE APPLICATION PROCESS

2-2-101. Appropriation Rights and Change in Use Authorizations on the Reservation.

After the Effective Date, a Person within the exterior boundaries of the Reservation may not appropriate surface water or Groundwater for a new beneficial use, or change an Existing Use, or commence construction of diversion, impoundment, withdrawal, or related distribution works except by applying for and receiving an Appropriation Right, or Change in Use authorization, from the Board.

2-2-102. Burden of Proof for Ground or Surface Water Permits and Change

Authorizations.

1. For any application for an Appropriation Right or Change in Use that is not one of the categories of Appropriation Right identified in Sections 1-1-112(1) or 2-2-118 of this Ordinance, applicants for an Appropriation Right, or for a Change in Use authorization must prove by a preponderance of the evidence that the proposed new Appropriation Right or Change in Use authorization will not adversely affect any Appropriator.
2. For any application for an Appropriation Right or Change in Use that is not one of the categories of Appropriation Right identified in Sections 1-1-112(1) or 2-2-118 of this Ordinance, the Board, Engineer, or Designee may modify or condition the issuance of Appropriation Right or Change in Use authorization applied for, to assure that:
 - a. the new Appropriation Right or Change in Use authorization will not adversely affect any Appropriator;

- b. the proposed means of diversion, construction, and operation of the appropriation works are adequate;
- c. except in the case of instream flows or other non-consumptive uses, the applicant has the possessory interest or the written consent of the Person(s) with possessory interest in the property where the water is to be put to beneficial use;
- d. the water quality of an Appropriator will not be adversely affected;
- e. the proposed use will be consistent with the classification of water set for the source of supply pursuant to water quality standards established under the federal Clean Water Act, 33 USC Section 1251 *et seq.*, and contained in regulations promulgated under the Confederated Salish and Kootenai Tribes' Water Quality Management Ordinance, Tribal Ordinance 89B; and
- f. the proposed Appropriation Right or Change in Use authorization will not impair the ability of a discharge permit holder to satisfy effluent limitations set forth in a permit issued in accordance with water quality standards established under the federal Clean Water Act, 33 USC Section 1251 *et seq.*, and contained in regulations promulgated under the Confederated Salish and Kootenai Tribes' Water Quality Management Ordinance, Tribal Ordinance 89B.

2-2-103. Pre-Application Meeting with Office of the Engineer.

Prior to applying to the Board for a new Appropriation Right or Change in Use authorization, within the exterior boundaries of the Flathead Reservation, applicants may meet informally with Staff regarding the application process and information requirements.

2-2-104. Application to Board.

1. An applicant for a new Appropriation Right or Change in Use authorization must:
 - a. pay the appropriate application fee in the amount set by the Board;
 - b. fill out completely:
 - i. the Flathead Reservation Appropriation Right Application; or
 - ii. the Flathead Reservation Application for a Change in Use Authorization; and
 - iii. all applicable addenda;
 - c. attach to each application all required maps; and
 - d. sign, date, and notarize or otherwise swear under appropriate oath to the accuracy of the contents of each application.
2. Upon the day of the receipt of an application, or amendment to an application, for a new Appropriation Right or Change in Use authorization, the Office of the Engineer must stamp it received.
3. If an application for a new Appropriation Right is ultimately granted, the priority date of the application is the date the application is stamped received by the Office of the Engineer.
4. All application forms may, upon recommendation by the Engineer, be modified by a unanimous vote of the Board. Any such modification is pursuant to and does not constitute a modification of this Ordinance or the Compact.

2-2-105. Adequate to Process Review.

1. Within 30 days of receipt by the Office of the Engineer of an application for a new Appropriation Right or Change in Use authorization, Staff shall review the application and make a determination whether the application is adequate to process. An application is adequate to process if it:
 - a. clearly identifies the proposed project; and
 - b. contains the information required by the following forms:
 - i. Flathead Reservation Appropriation Right Application, including for Groundwater applications Addendum B – “Flathead Reservation Groundwater Minimum Aquifer Testing Requirements”; or
 - ii. Flathead Reservation Application for a Change in Use Authorization.
2. Staff may waive aquifer testing requirements if sufficient hydrogeologic information already exists on the source and in the location of the proposed development.
3. An application determined to be adequate to process shall be posted on the Board’s website within 10 working days of the determination of adequacy.

2-2-106. Not Adequate to Process Determination.

1. If Staff determines an application for a new Appropriation Right or Change in Use authorization is not adequate to process, the Office of the Engineer shall send a letter to the applicant notifying the applicant of the defects in the application.
2. An applicant has 90 days from the date of mailing of the notice of inadequacy pursuant to subsection (1) of this Section to make the application adequate to process. An application for

a new Appropriation Right whose defects are timely corrected and which is ultimately granted retains its priority of the date of the initial application.

3. Upon receipt of the information from the applicant to correct deficiencies, Staff must review the updated application and make a determination within 30 days whether the application is adequate to process.
4. An application that is not timely made adequate to process, either through the applicant's failure to respond to the notice of inadequacy issued pursuant to subsection (1) of this Section within the timeframe set forth in subsection (2) of this Section, or by the applicant's failure to provide sufficient information in response to a notice of inadequacy issued pursuant to subsection (1) of this Section within the timeframe set forth in subsection (2) of this Section, shall be deemed denied.
5. An applicant who disagrees with the decision to deny may appeal that decision to the Board pursuant to Section 3-1-104 of this Ordinance. If such an appeal is filed, the Engineer shall be the appellee.

2-2-107. Application Analysis and Recommended Decision.

1. Prior to the expiration of the time periods set forth in Sections 2-2-105(1), 2-2-106(2), 2-2-106(3), or 2-2-108(2) of this Ordinance, Staff may meet informally with an applicant to discuss an application, including any proposed Mitigation Plan. The results of such meetings shall be documented by a summary memo prepared by Staff and included in the application file. An applicant may also submit a memo documenting the meeting, which becomes part of the application file. If an application submitted pursuant to Section 2-2-104 or a Mitigation

Plan submitted pursuant to Section 2-2-108(2) of this Ordinance is amended during this informal process, the amended application shall be reviewed by an individual on Staff who was not involved in the informal process to determine whether the amendments are so substantial that they constitute a new application. If it is determined that the amended application constitutes a new application, that application must be reviewed in its entirety pursuant to Sections 2-2-105 and 2-2-106 of this Ordinance. A new application fee must be submitted. A determination that an application amendment is so substantial as to constitute a new application may be appealed to the Engineer pursuant to Section 2-2-109 of this Ordinance.

2. Staff shall analyze an application determined to be adequate to process pursuant to Section 2-2-105 of this Ordinance within 180 days of the determination of adequacy using tools or techniques that may include:
 - a. independent resources compiled by Staff (including, but not limited to, Water Resources Surveys and field notes, aerial photographs, water rights decrees, stream gauging records, well logs, and water rights records);
 - b. water use records (water measurement, ranch logs, etc.) submitted by the applicant;
 - c. field inspection by Staff;
 - d. hydrologic or geohydrologic evaluation completed by Staff, provided that all model results, if any, shall be documented.
3. All information relied on by Staff in analyzing an application pursuant to this Section shall be documented in the application file.

4. Staff, using information from the application as well as their own compilation of independent resources and analysis, shall draft a recommended decision with findings of fact and conclusions of law determining:
 - a. whether the proposed Appropriation Right or Change in Use authorization will cause adverse effect to any Appropriator; and
 - b. whether and, if so, what amount of Mitigation is required before the proposed Appropriation Right or Change in Use authorization may be issued.
5. If the recommended decision is to grant the application, a summary of the application and the recommended decision shall be publicly noticed by the Office of the Engineer once via a legal notice in a local newspaper of general circulation and posted by the Office of the Engineer on the Board's website for a period not less than 45 days from the date the recommendation is issued. A summary of the application and the recommended decision shall also be distributed electronically to individuals or entities who have registered with the Board to receive electronic notice. If no objections are filed within 45 days of the initial publication of the recommended decision by the Office of the Engineer, or if all filed objections are unconditionally withdrawn prior to being ruled upon, the application shall be granted by the Engineer or Designee within 10 days after expiration of the time for filing objections or after the unconditional withdrawal of the last objection, whichever date is later.
6. If the recommended decision is to deny the application, the applicant may withdraw the application within 10 days of the issuance of the recommended decision or appeal the recommended decision to the Engineer pursuant to Section 2-2-109 of this Ordinance. The application filing fee shall not be refunded upon withdrawal. Failure to withdraw the

application or file an appeal within the applicable timeframes shall result in the application being deemed denied on the day after the expiration of the time to appeal.

7. If the recommended decision is to grant the application with conditions other than Mitigation, the application shall be noticed to the public and processed pursuant to the procedures set forth in Sections 2-2-107(5) and 2-2-110 of this Ordinance unless the applicant withdraws the application within 30 days of the issuance of the recommended decision or appeals the recommended decision to the Engineer pursuant to Section 2-2-109 of this Ordinance. The application filing fee shall not be refunded upon withdrawal.
8. Amendments to applications are not allowed after the issuance of a recommended decision on that application, except as provided in Section 2-2-108(2) of this Ordinance.

2-2-108. Process if Mitigation Required.

1. If Staff analysis of an application concludes that Mitigation is necessary to approve an application, a recommended decision shall be issued to that effect. Upon issuance of a recommended decision finding that Mitigation is required, the applicant may:
 - a. withdraw the application (with no refund of the application filing fee);
 - b. appeal the recommended decision to the Engineer pursuant to Section 2-2-109 of this Ordinance; or
 - c. prepare a Mitigation Plan.
2. If the applicant chooses to prepare a Mitigation Plan, the running of the time set forth in Section 2-2-107(2) of this Ordinance for processing that application is suspended until a timely Mitigation Plan is received from the applicant. The Mitigation Plan must be submitted

within 180 days of issuance of the recommended decision requiring Mitigation, or of the decision of the Engineer or Designee as set forth in Section 2-2-109(10) of this Ordinance, whichever date is later, and must include either or both of:

- a. an application for a Change in Use authorization for another water right so as to provide for the required Mitigation; and/or
 - b. amendments describing the source, volume, flow rate, point of diversion, place of use, period of use, and place of storage of mitigation water that comes from other than a change authorization.
3. The running of the time set forth in Section 2-2-107(2) of this Ordinance for analyzing the application and issuing a recommended decision resumes upon the timely receipt by the Office of the Engineer of the material(s) required by subsection (2) of this Section.
 4. If a Mitigation Plan is timely submitted by an applicant following a decision of the Engineer or Designee as set forth in Section 2-2-109(10) of this Ordinance, Staff shall issue a new recommended decision concerning the application within 180 days of the timely submission of the Mitigation Plan.
 5. If the recommended decision is to grant the application conditioned on the Mitigation Plan submitted by the applicant pursuant to subsection (2) of this Section, the application shall be noticed to the public and processed pursuant to the procedures set forth in Sections 2-2-107(5) and 2-2-110 of this Ordinance.
 6. If the recommended decision is to deny the application, the applicant may withdraw the application within 10 days of the issuance of the recommended decision or appeal the recommended decision to the Engineer pursuant to Section 2-2-109 of this Ordinance. The

application filing fee shall not be refunded upon withdrawal. Failure to withdraw the application or file an appeal within the applicable timeframes shall result in the application being deemed denied on the day after the expiration of the time to appeal.

7. If the Mitigation Plan is not submitted within 180 days of issuance of the recommended decision requiring Mitigation the application shall be deemed denied.

2-2-109. Appeal to Engineer from Recommended Decision.

1. If a recommended decision issued pursuant to Sections 2-2-107 or 2-2-108 of this Ordinance is to deny an application, or grant it with a requirement of Mitigation or other conditions, the applicant may appeal to the Engineer by filing a notice of appeal within 30 days of issuance of the recommended decision. An applicant may elect to have the appeal decided on the record, after submission of additional evidence and argument, or after hearing. If the applicant elects to have a hearing, that request must be made at the same time as the filing of the notice of appeal or the right to a hearing is waived. The notice of appeal must specify those parts of the recommended decision claimed to be in error.
2. Within 60 days from the filing of the notice of appeal, or any extended period of time, not to exceed 60 days, granted by the Engineer or Designee, the applicant may submit additional factual evidence and legal argument in support of the application. Staff who issued the recommended decision shall have 45 days from the applicant's submission to revise, amend, or affirm the recommended decision in a second recommended decision that explains in writing the rationale for the second recommended decision.

3. If the recommended decision or second recommended decision is to deny an application and no notice of appeal is filed pursuant to this Section, the application shall be deemed denied the day after expiration of the time for filing a notice of appeal.
4. The applicant bears the burden of demonstrating to the Engineer or Designee by a preponderance of the evidence, whether a hearing is held or not, that the recommended decision or second recommended decision is in error.
5. If the applicant requests a hearing before the Engineer or Designee, a hearing shall be held no later than the latest of the following:
 - a. 90 days after the filing of the notice of appeal; or
 - b. 30 days after the issuance of a second recommended decision pursuant to subsection (2) of this Section, whichever is later.
6. The hearing shall be recorded electronically and an official record maintained. All evidence that, in the opinion of the Engineer or Designee, possesses probative value shall be admitted, including hearsay, if it is the type of evidence commonly relied upon by reasonably prudent Persons in the conduct of their normal business affairs. Rules of privilege recognized by law shall be given effect. Evidence which is irrelevant, immaterial, or unduly repetitious shall be excluded.
7. A decision by the Engineer or Designee to reverse, modify, or affirm the recommended decision or the second recommended decision shall be made in writing within 60 days after the later of:
 - a. the filing of a notice of appeal pursuant to subsection (1) of this Section;

- b. the submission of additional evidence or legal argument pursuant to subsection (2) of this Section;
 - c. issuance of Staff's second recommended decision; or
 - d. the completion of the hearing.
8. If the Engineer or Designee reverses the recommended decision or the second recommended decision, and determines that the application should be granted, the application shall be publicly noticed to the public and processed pursuant to the provisions of Section 2-2-107(5) and Section 2-2-110 of this Ordinance.
9. If the Engineer or Designee affirms the recommended decision or the second recommended decision, resulting in the denial of an application, the applicant may either accept that decision by withdrawing the application or taking no further action, or may appeal that decision to the Board pursuant to Section 2-2-111 of this Ordinance. The application filing fee shall not be refunded upon withdrawal. If no timely notice of appeal is filed, the application shall be deemed denied on the day after the expiration of the time to file the notice of appeal.
10. If the Engineer or Designee affirms the recommended decision or the second recommended decision, resulting in the granting of an application with a requirement of conditions other than Mitigation, the applicant may withdraw the application; file with the Office of the Engineer written acceptance of the conditions within 30 days of the Engineer's or Designee's decision, in which case the application will be noticed to the public and processed pursuant to the provisions of Sections 2-2-107(5) and 2-2-110 of this Ordinance; or appeal the decision to the Board pursuant to Section 2-2-111 of this Ordinance. The application filing fee shall

not be refunded upon withdrawal. Failure to withdraw the application, file written acceptance of the condition, or file an appeal within the applicable timeframes shall result in the application being deemed denied on the day after the expiration of the time to appeal.

11. If an applicant has appealed to the Engineer a Staff determination that Mitigation is necessary pursuant to Section 2-2-108(1)(b) of this Ordinance, and the Engineer or Designee affirms the recommended decision resulting in a determination that Mitigation is required before the application may be granted, the applicant may withdraw the application; appeal the decision to the Board pursuant to Section 2-2-111 of this Ordinance; or prepare a Mitigation Plan pursuant to Section 2-2-108(2) of this Ordinance. The application filing fee shall not be refunded upon withdrawal. Failure to withdraw the application, file a Mitigation Plan, or file an appeal within the applicable timeframes shall result in the application being deemed denied on the day after the expiration of the time to file a Mitigation Plan.
12. If the Engineer or Designee affirms a recommended decision or second recommended decision that found a Mitigation Plan inadequate to justify the issuance of the proposed Appropriation Right or Change in Use authorization, the applicant may either accept that decision by withdrawing the application or taking no further action, or may appeal that decision to the Board pursuant to Section 2-2-111 of this Ordinance. The application filing fee shall not be refunded upon withdrawal. If no timely notice of appeal is filed, the application shall be deemed denied on the day after the expiration of the time to file the notice of appeal.
13. Any applicant wishing to appeal a decision of the Engineer or Designee pursuant to this Section must file a notice of appeal with the Board. Any such notice of appeal must be filed

with the Board within 30 days of the Engineer's or Designee's decision. To be filed, a notice must be placed in the custody of the Board within the time fixed for filing. Filing may be accomplished by mail addressed to the Board, but filing shall not be timely unless the papers are actually received within the time fixed for filing. Immediately upon receipt by the Board, the notice of appeal shall be date stamped.

2-2-110. Notice and Hearing on Recommended Decision to Grant.

1. Any Person alleging that they will suffer adverse effect from the grant of an application for proposed Appropriation Right or Change in Use authorization may file an objection to a recommended decision to grant an application. To be valid, an objection must describe the alleged adverse effect on the objector's water right.
2. An objector or an applicant may elect to have any valid objection decided on the record or after hearing. If the objector elects to have a hearing, that request must be made at the same time as the filing of the objection or the objector's right to a hearing is waived. The applicant must invoke the right to a hearing within 10 days of receiving notice of the objection or the applicant's right to a hearing is waived.
3. Discovery prior to hearing will be as provided by the Engineer or Designee, and may commence following the receipt of a valid objection.
4. If, prior to the hearing, valid objections are withdrawn pursuant to an agreement between or among the applicant and objector(s) setting forth various conditions on the application, the Engineer or Designee shall grant the application subject to those conditions necessary to satisfy the criteria set forth in Section 2-2-102(1) of this Ordinance, but the Engineer or

Designee has the discretion to accept or reject other conditions of the agreement between or among the applicant and objector(s).

5. The Engineer or Designee, after issuance of notice of hearing, may not communicate with any party to that case or any party's representative(s) in connection with any issue of fact or law in the case except upon notice and opportunity for all parties to participate.
6. The hearing shall be recorded electronically and an official record maintained.
7. All evidence that, in the opinion of the Engineer or Designee, possesses probative value shall be admitted, including hearsay, if it is the type of evidence commonly relied upon by reasonably prudent Persons in the conduct of their normal business affairs. Rules of privilege recognized by law shall be given effect. Evidence which is irrelevant, immaterial, or unduly repetitious shall be excluded.
8. The burden of proof is on the applicant to prove the applicable criteria of Section 2-2-102(1) of this Ordinance by a preponderance of evidence.
9. A written decision by the Engineer or Designee shall be rendered within 60 days of the hearing, disseminated to the parties, and posted by the Office of the Engineer on the Board's website within 10 days of its issuance. If the individual who conducted the hearing becomes unavailable to the Office of the Engineer, a decision may be prepared by an individual who has read the record only if the demeanor of witnesses is considered immaterial by all parties to the case. If any party considers the demeanor of any witness to be material to the resolution of the appeal, a new hearing must be held.
10. Any applicant or objector dissatisfied with the final decision of the Engineer or Designee may appeal to the Board (and become an appellant) and obtain review of the Engineer's or

Designee's decision. A notice of appeal to the Board must be filed with the Board within 30 days of the Engineer's or Designee's decision. To be filed, a notice must be placed in the custody of the Board within the time fixed for filing. Filing may be accomplished by mail addressed to the Board, but filing shall not be timely unless the papers are actually received within the time fixed for filing. Immediately upon receipt by the Board, the notice of appeal shall be date stamped.

2-2-111. Appeal to the Board.

1. Any question not raised before the Engineer or Designee may not be raised in the appeal to the Board unless it is shown to the satisfaction of the Board that there was good cause for failure to raise the question before the Engineer or Designee.
2. Appeal to the Board of decisions of the Engineer or Designee shall be confined to the record. If, before the date set for hearing the appeal, application is made to the Board for leave to present additional evidence and it is shown to the satisfaction of the Board that the additional evidence is material and that there were good reasons for failing to present it in the proceeding before the Engineer or Designee, the Board may order that the additional evidence be taken before the Engineer or Designee upon conditions determined by the Board, including the deadline for submission of additional evidence to the Engineer or Designee and for the conclusion of the Engineer's or Designee's review of any such additional evidence. The Engineer or Designee may modify the findings and decision by reason of the additional evidence or may affirm the prior decision and shall file a modified decision or notice of affirming the decision with the Board pursuant to a reasonable deadline set by the Board.

3. If the appellant requests an oral argument, the Board must hold oral argument on the appeal.

If the appellant does not request an oral argument, the Board may, in its discretion, order oral argument or may resolve the appeal without one.

4. Review by the Board:

- a. the review by the Board must be confined to the record. In cases of alleged irregularities in procedure before the Engineer or Designee not shown in the record, proof of the irregularities may be taken by the Board. The Board, upon request, shall hear oral argument and receive written briefs.
- b. the Board may not substitute its judgment for that of the Engineer or Designee as to the weight of the evidence on questions of fact.
- c. the Board may affirm the decision of the Engineer or Designee or remand the case for further proceedings.
- d. the Board may reverse or modify the decision if substantial rights of an appellant have been prejudiced because:
 - i. the Engineer's or Designee's findings, inferences, conclusions, or decisions are:
 - (1) in violation of constitutional or statutory provisions;
 - (2) in excess of the authority of the Engineer or Designee;
 - (3) made upon unlawful procedure;
 - (4) affected by other error of law;
 - (5) clearly erroneous in view of the record as a whole;
 - (6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; or

- ii. findings of fact, upon issues essential to the decision, were not made although requested.

2-2-112. Appeal to Court of Competent Jurisdiction.

Pursuant to Article IV.I.6 of the Compact, an aggrieved party may obtain review of a final decision of the Board by filing a petition for judicial review with a Court of Competent Jurisdiction within 30 days of the issuance of the final Board decision. In considering the petition, the Board's legal conclusions shall be reviewed for correctness and its factual findings for abuse of discretion. In the event that a court determines that it lacks subject matter or personal jurisdiction to rule on a petition for judicial review of a Board decision, the party filing the petition shall be entitled to petition for judicial review from any other Court of Competent Jurisdiction within thirty days from the date of a final court order finding lack of jurisdiction.

2-2-113. Completion.

1. Whenever an Appropriation Right or Change in Use Authorization is issued under this Chapter, the Engineer or Designee shall specify in writing as part of the Appropriation Right or Change in Use authorization issued, or in any authorized extension of time provided pursuant to subsection (2) of this Section, the time limits for commencement of the appropriation works, completion of construction, and actual application of water to the proposed beneficial use. In fixing those time limits, the Engineer or Designee shall consider the cost and magnitude of the project, the engineering and physical features to be encountered, and, on projects designed for gradual development and gradually increased use

of water, the time reasonably necessary for that gradual development and increased use. The Engineer or Designee shall issue the Appropriation Right or Change in Use authorization, or the authorized extension of time, subject to the terms, conditions, restrictions and limitations the Engineer or Designee considers necessary to ensure that work on the Appropriation is commenced, conducted, and completed and that the water is actually applied in a timely manner to the beneficial use specified in the Appropriation Right or Change in Use authorization.

2. The Engineer or Designee, for good cause shown, may extend the time limits specified in the Appropriation Right or Change in Use authorization for commencement of the appropriation works, completion of construction, and actual application of water to the proposed beneficial use. If commencement of the appropriation works, completion of construction, or actual application of water to the proposed beneficial use is not completed within the time limit set forth in the Appropriation Right or Change in Use authorization, or by any extension granted pursuant to this subsection, the Appropriation Right or Change in Use authorization is void upon lapse of the time limit.
3. Any owner of an Appropriation Right or Change in Use authorization who disagrees with the time limit specified by the Engineer or Designee pursuant to subsections (1) and (2) of this Section may appeal the Engineer's decision to the Board pursuant to Section 2-2-111 of this Ordinance. A notice of appeal must be filed with the Board within 30 days of the Engineer's or Designee's decision. To be filed, a notice must be placed in the custody of the Board within the time fixed for filing. Filing may be accomplished by mail addressed to the Board,

but filing shall not be timely unless the papers are actually received within the time fixed for filing.

2-2-114. Compliance with Completion Deadline.

Upon actual application of water to the proposed beneficial use within the time allowed by the Engineer or Designee pursuant to Section 2-2-113 of this Ordinance, the owner of the Appropriation Right or Change in Use authorization shall notify the Office of the Engineer that the Appropriation has been completed. The notification must contain a certified statement by an individual with experience in the design, construction, or operation of appropriation works describing how the Appropriation was completed. The Office of the Engineer shall review the certified statement and may then inspect the Appropriation, and if it determines that the Appropriation has been completed in substantial accordance with the Appropriation Right or Change in Use authorization, it shall issue the owner of the Appropriation Right or Change in Use authorization a Flathead Reservation Appropriation Right Document. The original of the document shall be sent to the owner of the Appropriation Right or Change in Use authorization, and a duplicate shall be kept in the Office of the Engineer.

2-2-115 Redundant and Substitute Wells.

1. An Appropriator may change an Appropriation Right or Existing Use without first applying for a Change in Use authorization pursuant to Sections 2-2-101 *et seq.* of this Ordinance for the purpose of constructing a Substitute Well if:

- a. the rate and volume of the appropriation from the Substitute Well are equal to or less than that of the Well being replaced;
- b. the water from the Substitute Well is appropriated from the same Groundwater source as the water appropriated from the Well being replaced; and
- c. a timely, correct and complete Notice of Substitute Well is submitted to the Engineer as provided in subsection 2 of this Section.

2. Review.

- a. Within 60 days after a Substitute Well is completed and delivering water, the Appropriator shall file a Notice of Substitute Well with the Office of the Engineer on a form provided by the Board. Upon receipt of the Notice, the Office of the Engineer shall date stamp it.
- b. The Engineer or Designee shall review the Notice of Substitute Well within 90 days of the date stamped on it pursuant to subsection (2)(a) of this Section, and shall issue a Change in Use authorization if all of the criteria identified in subsection (1) of this Section have been met and the Notice of Substitute Well is correct and complete.
- c. The Engineer or Designee may not issue a Change in Use authorization until a correct and complete Notice of Substitute Well has been filed with the Office of the Engineer. The Office of the Engineer shall return to the Appropriator a Notice that is determined by Staff to be defective, along with a description of defects in the Notice. The Appropriator shall refile a corrected and completed Notice of Substitute Well within 30 days of notification of defects or within a further time as the Engineer or Designee may allow, not to exceed 180 days. If the Appropriator does not refile within that timeframe, the

Appropriation Right will be deemed denied and the Appropriator must then comply with the provisions of subsection (d) of this Section.

d. If a Notice of Substitute Well is not completed within the time allowed, the Appropriator shall:

- i. cease appropriation of water from the Substitute Well pending approval by the Engineer or Designee; and
- ii. submit an application for a Change in Use authorization pursuant to Section 2-2-104 of this Ordinance; or
- iii. comply with the well abandonment procedures, standards and rules adopted by the board of water well contractors pursuant to 37-43-202, MCA, or any successor procedures, standards and rules that are promulgated in State law.

3. Wells that have been determined to be abandoned pursuant to Sections 2-1-111 and 2-1-112 of this Ordinance are not eligible to be replaced by Substitute Wells under this Section.

4. For each well that is replaced under subsection (1) of this Section, the appropriator shall follow the well abandonment procedures, standards, and rules adopted by the board of water well contractors pursuant to 37-43-202, MCA, or any successor procedures, standards and rules that are promulgated in State law.

5. An Appropriator may change an Appropriation Right or Existing Use without first applying for a Change in Use authorization pursuant to Section 2-2-101, *et seq.* of this Ordinance for the purpose of constructing a Redundant Well in a Public Water Supply System if the Redundant Well:

- a. withdraws water from the same Groundwater source as the original well; and

- b. is required by a State, federal, or Tribal agency.
6. The priority date of the Redundant Well is the same as the priority date of the original well.
- Only one well may be used at one time.
7. Within 60 days of completion of a Redundant Well, the Appropriator shall file a Notice of Construction of Redundant Well with the Office of the Engineer on a form provided by the Board. The Engineer or Designee shall review and process the Notice pursuant to the procedures set forth in subsection (2) of this Section.
8. If a Notice of Construction of Redundant Well is not completed within the time allowed, the Appropriator shall:
- a. cease appropriation of water from the Redundant Well pending approval by the Engineer or Designee; and
 - b. submit an application for a Change in Use authorization pursuant to Section 2-2-104 of this Ordinance; or
 - c. comply with the well abandonment procedures, standards and rules adopted by the board of water well contractors pursuant to 37-43-202, MCA, or any successor procedures, standards and rules that are promulgated in State law.
9. Any Appropriator aggrieved by a determination that a corrected Notice required by subsection (2) or (7) of this Section, as applicable, is defective may appeal that determination to the Board by filing a notice of appeal to the Board within 30 days of the rejection of the corrected Notice. To be filed, a notice must be placed in the custody of the Board within the time fixed for filing. Filing may be accomplished by mail addressed to the Board, but filing shall not be timely unless the papers are actually received within the time fixed for filing.

10. Any appeal to the Board filed pursuant to subsection (9) of this Section shall be conducted pursuant to the provisions of Section 3-1-104 of this Ordinance. If such an appeal is filed, the Engineer shall be the appellee.

2-2-116. Appropriation Rights for Stock Water Allowances.

1. Appropriation Rights for Stock Water Allowances include Stock Water Well Allowances, Stock Water Pit Allowances, and Stock Water Tank Served by Surface Water Allowances.
2. A Stock Water Well Allowance may be sourced from either Wells or Developed Springs.
3. A Stock Water Pit Allowance may be sourced from Groundwater seepage or a non-perennial stream.
4. A Stock Water Tank Served by Surface Water Allowance may be sourced from a perennial or non-perennial stream.
5. Before appropriating water for a Stock Water Well, approval from the Engineer is required.

The Engineer may approve a Stock Water Well Allowance if:
 - a. the Well construction complies with the requirements of Section 1-1-111 of this Ordinance;
 - b. the maximum flow rate is 35 gallons per minute or less;
 - c. the maximum annual diverted volume is 2.4 acre-feet or less;
 - d. the means of diversion is a single Well or Developed Spring;
 - e. the well is not physically connected to a Home or Business;
 - f. the means of diversion includes Well Shaft Casing; and
 - g. Stock Water use associated with the Appropriation is dispensed using Stock Tanks.

6. Before appropriating water for a Stock Water Pit Allowance, approval from the Engineer is required. The Engineer can approve a Stock Water Pit allowance if:
 - a. the capacity of the Stock Water Pit is 5 acre feet or less;
 - b. the maximum annual appropriated volume is 10 acre feet or less;
 - c. the Stock Water Pit Allowance is sourced from Groundwater seepage, a non-perennial stream, or both, provided that a ditch or pipeline is not used;
 - d. the Stock Water Pit Allowance is constructed on and accessible to a parcel of land 40 acres or larger and owned or under control of the applicant; and
 - e. the construction of the means of diversion complies with Tribal Ordinance 87(A) (Aquatic Lands Conservation Ordinance).
7. Before appropriating water for a Stock Water Tank Served by Surface Water Allowance, approval from the Engineer is required. The Engineer can approve a Stock Water Tank Served by Surface Water Allowance if:
 - a. the maximum flow rate is 10 gallons per minute or less;
 - b. the combined maximum annual diverted volume is 2.4 acre-feet or less;
 - c. the means of conveyance is a fully contained pipe or hose. Open ditch conveyance is not allowed;
 - d. the construction of the means of diversion complies with Tribal Ordinance 87(A) (Aquatic Lands Conservation Ordinance); and
 - e. Stock Water associated with the appropriation is dispensed using one or more Stock Tanks.

8. An applicant must file a completed Application for a Stock Water Allowance with the Office of the Engineer and obtain approval from the Engineer before developing and appropriating water for Stock Water use pursuant to this Section. A complete application shall also include:
 - a. proof that the applicant has the possessory interest or the written consent of the Person(s) with possessory interest in the property where the point of diversion is located and where the water is to be put to beneficial use, and property rights in the diversion works; and
 - b. a site-map that shows, in addition to the requirements of Section 1-1-110(12), the location of all proposed Stock Water Allowance development(s) including latitude and longitude in decimal degrees. The map must include the entire property boundaries where the Stock Water Allowance development is proposed, or a minimum radius of 500 feet from any proposed Stock Water Allowance development, whichever is greater, and include any of the following that are in existence or are proposed by the applicant:
 - i. Well(s), Pits and Stock Tanks including purpose of each;
 - ii. buildings on the site, including identification of Well connections;
 - iii. property lines and ownerships; and
 - iv. means of conveyance, water right points of diversions, and surface water features.
9. Upon receipt of a completed application form complying with subsection (8) of this Section, the Office of the Engineer shall date stamp the application form.
10. The Engineer or Designee shall review the application within 30 days of the date stamped on the application pursuant to subsection (9) of this Section, and within that timeframe may either approve the application or return a defective application to the applicant with a written

explanation of the defects. If a corrected application is submitted within 30 days of its return by the Office of the Engineer, no new filing fee shall be required. Upon receiving a corrected application, which shall be date stamped by the Office of the Engineer upon receipt, the Engineer or Designee has 30 days from the date stamped on the corrected application pursuant to this subsection (10) to approve or deny the application.

11. If the Engineer or Designee does not approve or return an application within 30 days of the date stamped on the application pursuant to subsection (9) of this Section, the application shall be deemed approved. If the Engineer or Designee does not approve or deny a corrected application within 30 days of the date stamped on the application pursuant to subsection (10) of this Section, the application shall be deemed approved.
12. Once an applicant meets the requirements of subsections (5) through (9) of this Section, as applicable, and an application is approved by the Engineer or Designee under subsection (10) or (11) of this Section, the Office of the Engineer shall issue an authorization to develop a Stock Water Allowance. The authorization to develop a Stock Water Allowance entitles an Appropriator to construct the authorized type of Stock Water Allowance within, but not to exceed, one year of the date of approval.
13. An Appropriation Right for a Stock Water Allowance becomes valid and final when, within 120 days of completing the diversion works and putting the water to beneficial use, an Appropriator files a Stock Water Allowance completion form accurately and completely. The completion form for a Stock Water Well Allowance must include a copy of the companion Well Log Report(s), and must identify the as-built attributes of any Well, Pit or Stock Tank constructed. If the as-built attributes are less than or equal to the size of the

Allowance for which the applicant originally applied, a Certificate of Stock Water Allowance shall be issued for the as-built attributes. No Certificate of Stock Water Allowance may be issued if the as-built system exceeds the volumes or flow rates set forth in subsections (5), (6) or (7) of this Section, as applicable.

14. If an Appropriation Right for a Stock Water Allowance is revoked by the Board pursuant to the provisions of Section 3-1-112(3) of this Ordinance, or is determined to be abandoned pursuant to the provisions of Sections 2-1-111 and 2-1-112 of this Ordinance, or is voluntarily abandoned, the Appropriator shall, within 180 days of the revocation or voluntary abandonment, fill in and rehabilitate any Pits, Pit-dams, Constructed Ponds, or Reservoirs associated with the revoked or abandoned Appropriation Right for a Stock Water Allowance, and shall, within 180 days of the revocation or voluntary abandonment, seal any tanks or supply lines associated with the revoked or abandoned Appropriation Right for a Stock Water Allowance.

2-2-117. Appropriation Rights for Domestic Allowances for Homes and Businesses; process for application, review, and issuance.

1. Appropriation Rights for Domestic Allowances include Individual Domestic Allowances, Shared Domestic Allowances and Development Domestic Allowances. An Individual Domestic Allowance may be used only to serve an individual Home or Business. A Shared Domestic Allowance may be used only to serve no less than two and no more than three Homes and/or Businesses. A Development Domestic Allowance may be used only to serve a Development.
2. A Domestic Allowance may be sourced from either Wells or Developed Springs.

3. A Domestic Allowance may not be used to fill or maintain Pits, Pit-Dams, Constructed Ponds, or Reservoirs.
4. Before appropriating water for Domestic Use for an Individual Domestic Allowance, approval from the Engineer is required. The Engineer may approve an Individual Domestic Allowance if:
 - a. the Well construction complies with the requirements of Section 1-1-111 of this Ordinance;
 - b. the maximum flow rate is 35 gallons per minute or less;
 - c. the maximum annual diverted volume is 2.4 acre-feet or less;
 - d. the means of diversion is a single Well or Developed Spring;
 - e. the Well is physically connected to and serves one and only one Home or Business;
 - f. the means of diversion includes Well Shaft Casing;
 - g. Stock Water use associated with the allowance is dispensed using Stock Tanks; and
 - h. the amount of land to be irrigated by the allowance is 0.7 acres or less.
5. Before appropriating water for a Shared Domestic Allowance, approval from the Engineer is required. The Engineer may approve a Shared Domestic Allowance if:
 - a. the Well construction complies with the requirements of Section 1-1-111 of this Ordinance;
 - b. the maximum flow rate is 35 gallons per minute or less;
 - c. the maximum annual diverted volume is 2.4 acre-feet or less;
 - d. the means of diversion is a single Well or Developed Spring;

- e. the Well is physically connected to not less than two and not more than three Homes and/or Businesses that are not a Development;
 - f. the means of diversion includes Well Shaft Casing;
 - g. Stock Water use associated with the allowance is dispensed using Stock Tanks;
 - h. if the Well is connected to two homes and/or businesses, the amount of land to be irrigated with the allowances is 0.5 acres or less. If the well is connected to three Homes and/or Businesses, the amount of land to be irrigated by the allowance is 0.75 acres or less; and
 - i. the application includes a copy of the Shared Well Agreement signed by all parties.
6. Before appropriating water for a Development Domestic Allowance, approval from the Engineer is required. The Engineer may approve a Development Domestic Allowance if:
- a. the Well construction complies with the requirements of Section 1-1-111 of this Ordinance;
 - b. the maximum flow rate from each Well or Developed Spring is 35 gallons per minute or less;
 - c. the combined maximum annual diverted volume from all wells and Developed Springs is 10 acre-feet or less;
 - d. Measurement devices approved by the Engineer and capable of recording cumulative volumes are installed on each Well or Developed Spring;
 - e. the means of diversion is one or more Wells and/or Developed Springs not to exceed one Well or Developed Spring per Home or Business within the Development;
 - f. the means of diversion includes Well Shaft Casing;

- g. the allowance is physically connected to multiple Homes and/or Businesses that together constitute a Development;
 - h. Stock Water use associated with the allowance is dispensed using Stock Tanks;
 - i. the amount of land to be irrigated with the allowances is limited to 0.25 acres or less for each Home or Business within the Development;
 - j. the application includes a copy of any Shared Well Agreement(s) signed by all parties, if applicable;
 - k. the water supply requirements for all Homes and Businesses within the Development are satisfied by the allowance; and
 - l. the applicant includes a copy of the development plan, plat, or equivalent as required by the associated county government.
7. The owner(s) or operator(s) of a Development Domestic Allowance must submit a Development Domestic Allowance Water Measurement Report by March 31st of the year following the year covered by the report.
8. An applicant must file a completed Application for a Domestic Allowance and obtain approval from the Engineer before drilling any Well(s) or developing any spring(s) and putting water to use pursuant to this Section. A completed application shall also include:
- a. proof that the applicant has a possessory interest or the written consent of the Person(s) with possessory interest in the property where the point of diversion is located and where the water is to be put to beneficial use, and property rights in the diversion works; and
 - b. a site-map that shows, in addition to the requirements of Section 1-1-110(12), the location of all proposed Wells and Developed Springs including latitude and longitude in

decimal degrees. The map must include the entire property boundaries where the Well associated with the Domestic Allowance is proposed, or a minimum of 500 feet in radius around the proposed Well(s) or Developed Spring(s), whichever is greater, and include any existing or proposed by the applicant:

- i. Well(s) and Stock Tanks, including purpose of each well;
- ii. sewage facilities including septic tanks and drainfields;
- iii. buildings on the site, including identification of Well connections;
- iv. property lines and ownerships;
- v. irrigated acres per lot or unit Well(s); and
- vi. means of conveyance, water right points of diversions, and surface water features.

9. Upon receipt of a completed application form complying with subsection (8) of this Section, the Office of the Engineer shall date stamp the application form.
10. The Engineer or Designee shall review the application within 30 days of the date stamped on the application pursuant to subsection (9) of this Section, and within that timeframe may either approve the application or return a defective application to the applicant, together with a written explanation of the defects. If a corrected application is submitted within 30 days of its return by the Office of the Engineer, no new filing fee shall be required. Upon receiving a corrected application, which shall be date stamped by the Office of the Engineer upon receipt, the Engineer or Designee has 30 days from the date stamped on the corrected application pursuant to this subsection (10) to approve or deny the application.
11. If the Engineer or Designee does not approve or return an application within 30 days of the date stamped on the application pursuant to subsection (9) of this Section, the application

shall be deemed approved. If the Engineer or Designee does not approve or deny a corrected application within 30 days of the date stamped on it pursuant to subsection (10) of this Section, the application shall be deemed approved.

12. Once an applicant meets the requirements of subsections (4), (5), or (6) of this Section, as applicable, as well as the requirements of subsection (8) of this Section, and an application is approved by the Engineer or Designee under subsection (10) or (11) of this Section, the Office of the Engineer shall issue an authorization to develop a Domestic Allowance. The authorization to develop a Domestic Allowance entitles an Appropriator to construct the authorized type of Domestic Allowance within, but not to exceed, one year of the date of approval.
13. An Appropriation Right for a Domestic Allowance becomes valid and final when, within 120 days of completing the Well(s) or Developed Spring(s) and putting the water to beneficial use, an Appropriator files a Domestic Allowance completion form accurately and completely. The completion form must also include a copy of the companion Well Log Report(s), and must identify the as-built attributes of any Well or Stock Tank constructed. If the as-built attributes are less than or equal to the size of the allowance for which the applicant originally applied, a Certificate of Domestic Allowance shall be issued for the as-built attributes. No Certificate of Domestic Allowance may be issued if the as-built system exceeds the volumes or flow rates set forth in subsections (4), (5) or (6) of this Section , as applicable.
14. If an Appropriation Right for a Domestic Allowance is revoked by the Board pursuant to the provisions of Section 3-1-112(3) of this Ordinance, or is determined to be abandoned

pursuant to the provisions of Sections 2-1-111 and 2-1-112 of this Ordinance, or is voluntarily abandoned, the Appropriator shall, within 180 days of the revocation or voluntary abandonment, follow the well abandonment procedures, standards, and rules adopted by the board of water well contractors pursuant to 37-43-202, MCA, or any successor procedures, standards and rules that are promulgated in State law, for any Well associated with the revoked or abandoned Appropriation Right for a Domestic Allowance.

2-2-118. Process for development of new uses from Flathead System Compact Water.

1. Subject to the terms and conditions of the Compact, the Tribal Council or its delegate, or any Person with the written consent of the Tribal Council or its delegate, may apply to utilize Flathead System Compact Water for any beneficial use within the Reservation by submitting a correct and complete application to the Office of the Engineer.
2. A correct and complete application for a use of Flathead System Compact Water shall contain the following information:
 - a. the name of the applicant;
 - b. a description of the proposed purpose of use;
 - c. the point of diversion
 - d. the means of diversion
 - e. the place of use;
 - f. the flow rate, volume diverted, and volume consumed;
 - g. the means of conveyance;
 - h. the period of use;

- i. the duration or term of the proposed use;
 - j. a project plan, including a proposed completion period and, if applicable, a list of water rights to be used in conjunction with or to be replaced by the proposed use of Flathead System Compact Water for which the application is being filed;
 - k. a map depicting all the features described in this subsection (2); and
 - l. if the applicant is not the Tribal Council or its delegate, written authorization from the Tribal Council or its delegate to submit the application.
3. Upon receipt of a completed application for the use of Flathead System Compact Water, the Office of the Engineer shall date stamp it.
4. Staff shall analyze the application for the use of Flathead System Compact Water within 180 days of the date stamped on the application pursuant to subsection (3) of this Section using the tools and techniques identified in Section 2-2-107(2) to determine compliance with the criteria identified in Section 2-2-102(2)(b) through (f) of this Ordinance.
5. All information relied upon by Staff in analyzing an application pursuant to this Section shall be documented in the application file.
6. Staff, using information from the application as well as their own compilation of independent resources and analysis, shall draft a recommended decision with findings of fact and conclusions of law determining whether the application satisfies the criteria set forth in Section 2-2-102(2)(b) through (f).
7. If the recommended decision is to grant the application, a summary of the application and the recommended decision shall be publicly noticed by the Office of the Engineer once via legal notice in a newspaper of general circulation on the Reservation and shall be posted on the

Board's website for a period of 45 days from the date the recommended decision is issued, during which time objections may be filed with the Engineer. If no objections are filed, or if all filed objections are withdrawn prior to being ruled upon, the application shall be granted by the Engineer within 10 days after expiration of the time for filing objections, or after the unconditional withdrawal of the last objection, whichever date is later.

8. If the recommended decision is to deny the application, the applicant may appeal the recommended decision to the Engineer pursuant to the provisions of Section 2-2-109 of this Ordinance.
9. If the recommended decision is to grant the application with conditions, the application shall be noticed to the public pursuant to the provisions of subsection (7) of this Section unless the applicant withdraws the application within 30 days of the issuance of the recommended decision or appeals the recommended decision to the Engineer pursuant to the provisions of Section 2-2-109 of this Ordinance. The application filing fee shall not be refunded upon withdrawal.
10. To be valid for processing, an objection to an application for the use of Flathead System Compact Water must assert and describe how the proposed development of Flathead System Compact Water fails to comply with one or more of the criteria set forth in Section 2-2-102(2)(b) through (f) of this Ordinance. Any such valid objection shall be resolved pursuant to the procedures set forth in Sections 2-2-110 through 2-2-112 of this Ordinance, provided however, that the burden of proof in the hearing before the Engineer or Designee shall be on the objector to prove by a preponderance of the evidence that the application fails to comply

with one or more of the criteria set forth in Section 2-2-102(2)(b) through (f) of this Ordinance.

11. Unless an objection to the application is sustained, the application shall be granted within 10 days of expiration of the time to appeal the decision relating to any objection or after the exhaustion of the objector's last appeal, whichever date is later.
12. The priority date of any use of Flathead System Compact Water is the date of the Tribes' Flathead System Compact Water right as set forth in Article III.C.1.c of the Compact.

2-2-119. Appropriation Rights for Non-consumptive Geothermal Heating or Cooling Exchange Wells.

1. Appropriation Rights may be issued for non-consumptive geothermal heating or cooling exchange Wells with a maximum appropriation of 350 gallons a minute or less if all of the water extracted is returned without delay to the same source aquifer, if the distance between the extraction well and both the nearest existing well and any hydraulically connected surface waters is more than twice the distance between the extraction well and the injection well, and if all Well construction complies with the requirements of Section 1-1-111 of this Ordinance. Before appropriating water for a use described in this subsection (1), approval of the Engineer is required.
2. An applicant must file a completed application form and obtain approval from the Engineer before drilling any Well(s) or developing any spring(s) and putting water to use pursuant to this Section. A completed application shall also include:

- a. source of water;
 - b. legal description of the point of diversion or withdrawal;
 - c. place of use;
 - d. map showing preceding three items;
 - e. purpose of use;
 - f. starting and ending date of use;
 - g. diversion flow rate;
 - h. maximum volume of water to be diverted or withdrawn per day; and
 - i. name and contact information for the user.
4. The diversion or withdrawal of water pursuant to this Section shall not adversely affect any legal use of water in existence as of the date of the diversion or withdrawal; and
 5. If notified that the diversion or withdrawal of water pursuant to this Section is adversely affecting any legal use of water in existence as of the date of the diversion or withdrawal, the user will immediately cease diversion or withdrawal from that source of supply. To resume the diversion or withdrawal, the user may move the diversion or withdrawal to another source of supply, or may satisfy the Board and the holder(s) of the affected legal use(s) of water in existence as of the date of the diversion or withdrawal that use will not cause adverse effects.

2-2-122. Short-term use of an appropriation right that is not part of the Tribal Water Right for road construction or dust abatement.

1. An Appropriator may lease, for a term not to exceed 90 days, all or part of an Appropriation

Right or Existing Use that is not part of the Tribal Water Right for road construction or dust

with one or more of the criteria set forth in Section 2-2-102(2)(b) through (f) of this Ordinance.

11. Unless an objection to the application is sustained, the application shall be granted within 10 days of expiration of the time to appeal the decision relating to any objection or after the exhaustion of the objector's last appeal, whichever date is later.
12. The priority date of any use of Flathead System Compact Water is the date of the Tribes' Flathead System Compact Water right as set forth in Article III.C.1.c of the Compact.

2-2-119. Appropriation Rights for Non-consumptive Geothermal Heating or Cooling Exchange Wells.

1. Appropriation Rights may be issued for non-consumptive geothermal heating or cooling exchange Wells with a maximum appropriation of 350 gallons a minute or less if all of the water extracted is returned without delay to the same source aquifer, if the distance between the extraction well and both the nearest existing well and any hydraulically connected surface waters is more than twice the distance between the extraction well and the injection well, and if all Well construction complies with the requirements of Section 1-1-111 of this Ordinance. Before appropriating water for a use described in this subsection (1), approval of the Engineer is required.
2. An applicant must file a completed application form and obtain approval from the Engineer before drilling any Well(s) or developing any spring(s) and putting water to use pursuant to this Section. A completed application shall also include:

- a. proof that the applicant has the possessory interest or the written consent of the Person(s) with possessory interest in the property where the point of diversion is located and where the water is to be put to beneficial use, and property rights in the diversion works; and
 - b. a site-map showing the location of all proposed wells including latitude and longitude in decimal degrees. The map must also include the entire property boundaries where the Wells are proposed, or a minimum of 500 feet in radius around the proposed Well(s) or spring(s), whichever is greater, and include any of the following that exist or are proposed by the applicant:
 - i. Wells including purpose of each well;
 - ii. sewage facilities including septic tanks and drainfields;
 - iii. buildings on the site, including identification of Well connections;
 - iv. property lines and ownerships;
 - v. irrigated acres per lot or unit well(s); and
 - vi. means of conveyance, water right points of diversions, and surface water features.
3. Upon receipt of a completed application form complying with subsection (2) of this Section, the Office of the Engineer shall date stamp the application form.
 4. The Engineer or Designee shall review the application within 45 days of the date stamped on the application pursuant to subsection (3) of this Section, and within that timeframe may either approve the application or return a defective application to the applicant, together with a written explanation of the defects. If a corrected application is submitted within 30 days of its return by the Office of the Engineer, no new filing fee shall be required. Upon receiving a corrected application, which shall be date stamped by the Office of the Engineer upon

receipt, the Engineer or Designee has 30 days from the date stamped on the corrected application pursuant to this subsection (4) to approve or deny the application.

5. If the Engineer or Designee does not approve or return an application within 45 days of the date stamped on the application pursuant to subsection (3) of this Section, the application shall be deemed approved. If the Engineer or Designee does not approve or deny a corrected application within 30 days of the date stamped on this application pursuant to subsection (4) of this Section, the application shall be deemed approved.
6. Once an applicant meets the requirements of subsection (1) of this Section and the application is approved pursuant to subsection (4) or (5) of this Section, as applicable, the Engineer shall issue an authorization to develop the Appropriation Right for a Heating/Cooling Exchange Well.
7. An Appropriation Right for a Heating/Cooling Exchange Well becomes valid and final when, within 120 days of completing the Well(s) or Developed Spring(s) and putting the water to beneficial use, an Appropriator files a Heating/Cooling Exchange completion form accurately and completely. The completion form must also include a copy of the companion Well Log Report(s) for the extraction Well and the injection Well.
8. If an Appropriation Right for a Heating/Cooling Exchange Well is revoked by the Board pursuant to the provisions of Section 3-1-112(3) of this Ordinance, or is determined to be abandoned pursuant to the provisions of Sections 2-1-111 and 2-1-112 of this Ordinance, or is voluntarily abandoned, the Appropriator shall, within 180 days of the revocation or voluntary abandonment, follow the well abandonment procedures, standards, and rules adopted by the board of water well contractors pursuant to 37-43-202, MCA, or any

successor procedures, standards and rules that are promulgated in State law, for any Well associated with the revoked or abandoned Appropriation Right for a Heating/Cooling Exchange Well.

2-2-120. Temporary Emergency Appropriations.

1. A Temporary Emergency Appropriation may be made without prior approval from the Board, but the use must cease immediately when the water is no longer required to meet the emergency.
2. A Temporary Emergency Appropriation does not include the use of water for the ordinary operation and maintenance of any trade or business, including but not limited to agricultural production.
3. Within 60 days after the cessation of a Temporary Emergency Appropriation, the Appropriator shall notify the Board of the use to which the water was put, the dates of use, and the estimated amount of water used.
4. Except as set forth in subsection (5) of this Section, a Temporary Emergency Appropriation may not include the use of Enclosed Storage.
5. When the Temporary Emergency Appropriation is made by a local governmental fire agency organized under Title 7, chapter 33, MCA, or applicable Tribal law, and the Temporary Emergency Appropriation is used only for emergency fire protection, the Temporary Emergency Appropriation may include enclosed storage.

2-2-121. Short-term use of a portion of the Tribal Water Right for road construction or dust abatement.

The Tribes, or a Person with the written consent of the Tribes, may use a portion of the Tribal Water Right for road construction or dust abatement purposes, without prior approval of the Board, subject to the following provisions:

1. For uses of 20,000 gallons or less per day from a single source of supply, no notice is required;
2. For uses greater than 20,000 gallons per day and less than 60,000 gallons per day from a single source of supply, a notice must be posted at the site of the diversion or withdrawal for the entire period during which water is being diverted or withdrawn. The notice posted shall be clearly legible and visible and provide the following information:
 - a. source of water;
 - b. purpose of use;
 - c. starting and ending date of diversion;
 - d. place of use;
 - e. diversion flow rate;
 - f. maximum volume of water to be diverted or withdrawn per day; and
 - g. name and contact information for the user of the water and for the Board.
3. For uses greater than 60,000 gallons per day from a single source of supply, the Board must be notified at least 10 days but not more than 45 days in advance of the initial use of the water. Notice must be posted at the site of the diversion or withdrawal, as provided in subsection (2) of this Section. Notification to the Board must provide the following information:

- a. source of water;
 - b. legal description of the point of diversion or withdrawal;
 - c. place of use;
 - d. map showing preceding three items;
 - e. purpose of use;
 - f. starting and ending date of use;
 - g. diversion flow rate;
 - h. maximum volume of water to be diverted or withdrawn per day; and
 - i. name and contact information for the user.
4. The diversion or withdrawal of water pursuant to this Section shall not adversely affect any legal use of water in existence as of the date of the diversion or withdrawal; and
 5. If notified that the diversion or withdrawal of water pursuant to this Section is adversely affecting any legal use of water in existence as of the date of the diversion or withdrawal, the user will immediately cease diversion or withdrawal from that source of supply. To resume the diversion or withdrawal, the user may move the diversion or withdrawal to another source of supply, or may satisfy the Board and the holder(s) of the affected legal use(s) of water in existence as of the date of the diversion or withdrawal that use will not cause adverse effects.

2-2-122. Short-term use of an appropriation right that is not part of the Tribal Water Right for road construction or dust abatement.

1. An Appropriator may lease, for a term not to exceed 90 days, all or part of an Appropriation Right or Existing Use that is not part of the Tribal Water Right for road construction or dust

abatement without the prior approval of the Board, subject to the requirements of this Section. The lease agreement must include the following information:

- a. the name and address of the lessee;
 - b. the name of the owner of the Appropriation Right or Existing Use;
 - c. the number of the Appropriation Right or Existing Use;
 - d. the purpose of use of water for which the lease is being made;
 - e. the source of water to be appropriated;
 - f. the starting and ending date of the proposed use of water;
 - g. the proposed point of diversion;
 - h. the proposed place of use;
 - i. the diversion flow rate and volume of water to be used during the period of use; and
 - j. a description of how the prior use of water will be reduced to accommodate the temporary change of use of the Appropriation Right or Existing Use, including the number and location of acres to be removed from irrigation, if applicable.
2. A short-term lease of an Appropriation Right or Existing Use under this Section may not exceed 60,000 gallons a day or the amount of the Appropriation Right or Existing Use, whichever is less. Any combination of short-term leases cannot exceed 120,000 gallons a day for one project.
3. Except as provided in subsection (7) of this Section, the following information must be submitted to the Board at least 2 days prior to the use of water by a lessee under this Section:
- a. a copy of the publication notice or copies of the individual notice required under subsection (4) of this Section;

- b. a copy of the lease agreement; and
 - c. for a combination of short-term leases greater than 60,000 gallons a day for one project, an analysis by the lessee of any potential adverse effects and a description of planned actions to mitigate any potential adverse effects to Appropriators in the area of the proposed point of diversion.
4. Except as provided in subsection (7) of this Section, the lessee of an Appropriation Right or Existing Use under this section shall, 30 days prior to the use of the water, publish a notice of the proposed use of water once in a newspaper of general circulation in the area of the diversion or mail individual notice to potentially affected Appropriators in the area of the proposed point of diversion. The published notice or the individual notice must contain the information listed in subsections (1)(a) through (1)(j) and (3)(c) of this Section.
5. Complaints regarding temporary use
- a. an Appropriator, whether the water right is prior or subsequent in priority to the short-term lease acquired by a Person under this Section, who cannot satisfy in full the Appropriator's right during the time that the short-term lessee is diverting water, may make a complaint to the Engineer pursuant to Section 3-1-102 of this Ordinance and cause the short-term lessee's diversion to be discontinued.
 - b. the diversion is discontinued until the complaining Appropriator's water right is satisfied or until the lessee establishes to the Engineer that the discontinuance has had no effect on the complaining Appropriator's water right. Upon establishment that discontinuance has not had an effect, the Engineer shall enter an order allowing the diversion to continue.

6. This Section does not limit the remedies available to an Appropriator to enjoin or to seek damages from a Person appropriating water under this Section.
7.
 - a. a consolidated city-county or a county or an incorporated city or town is not subject to the requirements of subsections (3)(a) and (4) of this Section when conducting dust abatement that was not scheduled or contracted for 30 days or more prior to the use of the water.
 - b. a consolidated city-county or a county or an incorporated city or town that does not publish notice as provided in subsection (4) of this Section shall post a copy of the lease agreement at the point of diversion at least 24 hours prior to and during the time that water is diverted.

2-2-123. Wetland Protective Appropriation Rights.

1. Pursuant to the provisions of Sections 2-2-101 *et seq.*, a Wetland Protective Appropriation Right for a Natural Wetland or Restored Natural Wetland may be issued, subject to the following limitations:
 - a. except as authorized by Appropriation Rights issued pursuant to Section 1-1-107(1)(k), irrigation return flows may not be used as a source for an Appropriation Right issued pursuant to this Section.
 - b. No Wetland Protective Appropriation Right shall be issued for any Wetland using Pits, Pit-dams, or Constructed Ponds.

- c. No Wetland Protective Appropriation Right shall be issued for any Wetland occurring solely as a result of seepage from irrigation reservoirs, canals, laterals or ditches.
 - d. No Wetland Protective Appropriation Right shall be used for any other purpose and shall not be changed to another purpose.
2. Wetlands eligible for Wetlands Protective Appropriation Rights are:
- a. Those Wetlands identified on the map of Wetlands eligible for Wetlands Protective Appropriations Rights (available from the Office of the Engineer); or
 - b. Those Wetlands not identified on the Map if:
 - i. the proposed use is a Restored Natural Wetland;
 - ii. the applicant provides a site-specific Wetlands delineation, using any delineation method approved by the Engineer, that includes:
 - (1) the total number of acres and a detailed map showing the proposed boundary of the Wetland for which the Wetland Protective Appropriation Right is being applied; and
 - (2) an identification of the Wetlands delineation method used, along with supporting field data.

2-2-124. Wetland Quantified Appropriation Rights.

1. Pursuant to the provisions of Sections 2-2-101 *et seq.*, an Appropriations Right or Change in Use Authorization to divert, impound, or withdraw surface water or Groundwater for a Wetland purpose may be issued.

2. All Wetlands that utilize man-made diversions, impoundments, withdrawals, excavations, or other artificial means for the purposes of Appropriation for either all or a portion of a Wetland water supply in excess of a Natural Wetland water supply or Restored Natural Wetland water supply shall obtain, in advance of Appropriation, an Appropriation Right or Change in Use authorization for that Wetland purpose.
3. In addition to the information required by Sections 1-1-110 and 2-2-104 of this Ordinance, an application for an Appropriation Right or Change in Use authorization pursuant to this section shall include the following information:
 - a. A delineation of pre-project existing Wetlands and post-project Wetlands using a Wetland delineation method approved by the Engineer. The delineation shall describe the following pre-project and post-project Wetland attributes:
 - i. the outer Wetland boundary and area in acres;
 - ii. the boundaries of permanently inundated areas, depth in feet, and area in acres;
 - iii. the boundaries of seasonally inundated areas, period of inundation, depth in feet, and area in acres;
 - iv. the boundaries of permanently saturated areas and area in acres;
 - v. the boundaries of seasonally saturated areas, period of saturation, and area in acres; and
 - vi. Wetland vegetation boundaries and area in acres.
 - b. The location and description of the manmade diversions, impoundments; withdrawals, excavations, or other artificial means for the purposes of Appropriation;

- c. The flow rate and volume of water to be appropriated in monthly time steps; however, the Office of the Engineer may require a more frequent quantification time step;
- d. The consumptive volume for each Wetland attribute delineated pursuant to Section 2-2-124(a) in monthly time steps; however, the Office of the Engineer may require a more frequent quantification time step;
- e. non-consumed water, including flow rate and volume estimates, and a description of return flows and their eventual destination and timing; and
- f. the volume of Natural Wetland water supply, if applicable, in monthly time steps.

2-2-125. Notice of Trust Status Conversion for Lands with Appurtenant Water Rights Arising Under State Law Acquired by the Tribes.

As provided for by the Compact, Article III.H, the following process shall be used to notify the Water Management Board of the transfer of Tribally-owned fee land to trust status:

1. Starting upon the Effective Date of the Compact, the Tribes may file a Trust Transfer form with the Board for any lands acquired by the Tribes with appurtenant Water Rights Arising Under State Law that have been taken into trust by the United States on behalf of the Tribes.
2. A copy of the deed transferring the fee land to trust status shall be attached to the form.

2-2-126. Water Management Board Adjustment of Priority Date Pursuant to Compact.

Upon submission of a Trust Transfer form by the Tribes, the priority date of any Water Rights Arising Under State Law appurtenant to land identified on the Trust Transfer form shall be adjusted by the Water Management Board to July 16, 1855. The Board shall cause the adjusted

priority date to be entered into the Reservation water rights database identified in Section 1-1-108 of this Ordinance.

2-2-127. Tribal Utilization of Water Right with Adjusted Priority Date.

Any water right whose priority date is adjusted pursuant to Section 2-2-126 shall be subject to the following use conditions:

1. The water right must be used as historically used; or
2. Changes to the water right must be made pursuant to the provisions set for the in Article IV.B.4 of the Compact and Section 2-2-101 *et seq.* of this Law of Administration.

2-2-128. Public Water Supply Reporting Requirements

1. The following shall comply with the reporting requirements set forth in subsection (2) of this Section:
 - a. any new Public Water Supply System approved pursuant to this Ordinance;
 - b. any Public Water Supply System in existence prior to the effective date of this Ordinance whose authorized use is expanded pursuant to this Ordinance.
2. On an annual basis, any entity responsible for the operation of a Public Water Supply System identified in subsection (1) of this Section shall report to the Office of the Engineer the total volume by month of pumping or diversion of the Public Water Supply System.

Chapter III Enforcement

3-1-101. Scope

1. The enforcement powers set forth in this Chapter apply to the resolution of disputes between Appropriators who are not served by the Flathead Indian Irrigation Project, or between any Appropriators who are not served by the FIIP and any water user(s) or holders of Existing Rights, if any, whose use of water is served by the FIIP. Disputes exclusively between or among users whose water is delivered by the FIIP shall remain subject to the oversight of the Project Operator and the Enforcement provisions of this Ordinance shall not apply. The powers and duties set forth in this Chapter, as they extend to uses of the Tribal Water Right within the FIIP, extend only to the resolution of disputes concerning the delivery of water to FIIP diversion facilities and shall not extend to the administration of that water in FIIP facilities or on lands served by the FIIP, which shall remain subject to the oversight of the Project Operator.
2. Nothing in this Chapter, or in the Ordinance, is intended to preclude a water user from working informally with other water users, any Water Commissioner appointed pursuant to Section 3-1-114 of this Ordinance, or the Engineer, to resolve disputes or real-time water operation issues without recourse to the provisions of this Chapter. A synopsis of all such resolutions between a water user and any Water Commissioner or the Engineer shall be reduced to writing, and dated, a copy of which shall be kept in the Office of the Engineer and available for public inspection. A synopsis of any such resolution between or among water users may be reduced to writing. Provided, however, that any water user not party to

any such informal resolution who believes himself or herself to be injured by the informal resolution may seek redress by invoking the provisions of this Chapter, subject to the limitation concerning FIIP water use set forth in subsection (1) of this Section, to challenge the informal resolution.

3. Any of the timeframes set forth in Sections 3-1-102 through 3-1-107 of this Ordinance may be extended upon mutual agreement of the parties to any dispute.

3-1-102. Complaint to the Engineer Regarding Actions or Inactions Between Appropriators.

1. Subject to the limitation concerning FIIP water use set forth in Section 3-1-101(1) of this Ordinance, any Appropriator aggrieved by the action or inaction of any other Appropriator, or by any Person the Complainant believes is Wasting water to the detriment of a right to use water the Complainant possesses, may file a Complaint with the Engineer. Such Complaint must be submitted in writing and describe specifically the action or inaction being complained of and the justification for the Complaint.
2. Upon receipt of a Complaint, the Office of the Engineer shall date stamp it and return a copy to the Complainant along with a written statement indicating that informal resolution of the dispute between the Appropriators, or between an Appropriator and a Person accused of Wasting water, may provide a more timely and cost-effective remedy than having the Complaint adjudicated by the Engineer.
3. Within 3 days of the receipt of the Complaint, the Office of the Engineer shall serve a copy of it on the Appropriator or other Person whose action or inaction is being complained of (the "Respondent"), and shall post notice of the Complaint on the Board's website. The notice to

the Respondent shall include a written statement indicating that informal resolution of the dispute between the Complainant and the Respondent may provide a more timely and cost-effective remedy than having the petition adjudicated by the Engineer.

3-1-103. Resolution of Complaint.

1. No later than 15 days after the provision of notice of the Complaint to the Respondent, pursuant to Section 3-1-102(3) of this Ordinance, the Engineer or Designee shall hold a hearing on the Complaint, provided, however that the Engineer or Designee may take an additional 10 days before holding the hearing to perform such independent investigation into the Complaint as the Engineer or Designee deems appropriate. At such time, both the Complainant and the Respondent shall explain their positions concerning the matter complained of. All evidence that, in the opinion of the Engineer or Designee, possesses probative value shall be admitted, including hearsay, if it is the type of evidence commonly relied upon by reasonably prudent Persons in the conduct of their normal business affairs. Rules of privilege recognized by law shall be given effect. Evidence which is irrelevant, immaterial, or unduly repetitious shall be excluded.
2. A decision by the Engineer or Designee on the Complaint shall be made in writing within 7 days after the completion of the hearing.
3. The decision of the Engineer or Designee may include an award of declaratory relief, and/or the imposition of conditions on the use or exercise of a water right. Such conditions may include, but are not limited to, instructions regarding the proper delivery of water, the installation of measuring devices, the construction of suitable ditches to carry the return

waters from any ditch or lands to the main stream or proper waste way, or the mandate of structural changes to diversion structures.

4. Any Complainant or Respondent dissatisfied with the final decision of the Engineer or Designee may appeal to the Board (and become an Appellant) and obtain review of the Engineer's or Designee's decision. A notice of appeal to the Board must be received by the Board within 30 days of the issuance of the Engineer's or Designee's written decision. The decision of the Engineer or Designee shall not be stayed during the pendency of the appeal unless the Board expressly orders such a stay upon motion of the Complainant or Respondent.

3-1-104. Appeal to the Board.

1. Upon receipt of a notice of appeal pursuant to Section 3-1-103(4) of this Ordinance, or any other Section of this Ordinance that provides for appeal to the Board pursuant to the provisions of this Section, the Board, acting through the Office of the Engineer, shall date stamp the notice and return a copy to the Appellant. Within three days of receipt of the notice of appeal, the Board, acting through the Office of the Engineer, shall serve a copy of the notice of appeal on the other party to the dispute (who becomes the Appellee).
2. Either party to the appeal may elect to have oral argument prior to the resolution of the appeal. The Appellant must request oral argument at the time of the filing of the notice of appeal or the Appellant's right to oral argument is waived. The Appellee must request oral argument within 10 days of the Appellee's receipt of the notice of appeal pursuant to subsection (1) of this Section, or the Appellee's right to oral argument is waived. If either

party to the appeal requests oral argument, such argument must be held within 60 days of the filing of the notice of appeal, or within 30 days of the receipt of evidence or argument pursuant to subsection (3) or (4) of this Section, whichever date is later.

3. Within 60 days from the filing of the notice of appeal, or any extended period of time, not to exceed 60 days, granted by the Board, the Appellant and Appellee may each submit additional factual evidence and legal argument concerning the appeal to the Board and shall serve copies of the same on the other party to the dispute.
4. Either party to the appeal shall have 60 days from the date of receipt of the evidence or argument served pursuant to subsection (3) of this Section, or any extended period of time granted by the Board, not to exceed 60 days, to respond in writing to the evidence and argument submitted by the other party to the dispute pursuant to subsection (3) of this Section.
5. If oral argument is held, the argument shall be recorded electronically and an official record maintained.
6. A decision by the Board on the appeal shall be made in writing within 60 days after the completion of oral argument or, if the right to oral argument is waived, within 60 days after the deadline for the submission of evidence and argument pursuant to subsections (3) and (4) of this Section, whichever is later. The written decision shall set forth the ruling of the Board along with a statement of the reasons therefor.
7. In ruling on the appeal, the Board may sustain the decision of the Engineer or Designee, may overturn that decision and set aside any relief ordered by the Engineer or Designee, or may

remand the matter to the Engineer or Designee for such further proceedings as may be specified in the Board's written decision.

3-1-105. Petition to the Engineer by Any Appropriator Aggrieved by Actions or Inactions of a Water Commissioner.

1. Any Appropriator aggrieved by the action or inaction or written directive from any Water Commissioner appointed pursuant to Section 3-1-114 of this Ordinance, may petition the Engineer for relief (and become a Petitioner). Such petition must be submitted in writing and describe with particularity the action, inaction or directive giving rise to the petition and the justification for the petition.
2. Upon receipt of a petition, the Office of the Engineer shall date stamp it and return a copy to the Petitioner along with a written statement indicating that informal resolution of the dispute between the Petitioner and the Water Commissioner may provide a more timely and cost-effective remedy than having the petition adjudicated by the Engineer.
3. Within 3 days of the date stamped on the petition pursuant to subsection (2) of this Section, the Office of the Engineer shall serve a copy of it on the Water Commissioner whose action, inaction or written directive is being petitioned against, and shall post notice of the Petition on the Board's website.

3-1-106. Resolution of Petition.

1. A Petitioner may elect to have the Petition decided on the record after submission of additional evidence and argument, or after hearing. If a Petitioner elects to have a hearing, that request must be made at the same time as the filing of the Petition or the right to a hearing is waived.
2. The Water Commissioner may elect to have the Petition decided after a hearing. The request for a hearing must be made within 5 days of the Water Commissioner's receipt of notice of the Petition pursuant to Section 3-1-105(3) of this Ordinance or the Water Commissioner's right to a hearing is waived.
3. If either the Petitioner or the Water Commissioner elects to have the Petition resolved after a hearing, the Engineer or Designee shall hold a hearing on the Petition no later than 14 days after the filing of the Petition, or within 14 days of the expiration of the time for the submission of evidence or argument pursuant to subsection (5) of this Section, whichever date is later; provided, however that the Engineer or Designee may take an additional 10 days before holding the hearing to perform such independent investigation into the petition as the Engineer or Designee deems appropriate.
4. Within 5 days from the filing of the Petition, or any extended period of time, not to exceed 5 days, granted by the Engineer, the Petitioner and Commissioner may each submit additional factual evidence and legal argument concerning the Petition to the Engineer or Designee and shall serve copies of the same on the other party to the dispute.
5. Either party to the dispute shall have 5 days from the date of receipt of the evidence or argument served pursuant to subsection (4) of this Section, or any extended period of time

granted by the Engineer or Designee, not to exceed 5 days, to respond in writing to the evidence and argument submitted by the other party to the dispute pursuant to subsection (4) of this Section.

6. The Petitioner shall bear the burden of proof before the Engineer or Designee.
7. The hearing shall be recorded electronically and an official record maintained. All evidence that, in the opinion of the Engineer or Designee, possesses probative value shall be admitted, including hearsay, if it is the type of evidence commonly relied upon by reasonably prudent Persons in the conduct of their normal business affairs. Rules of privilege recognized by law shall be given effect. Evidence which is irrelevant, immaterial, or unduly repetitious shall be excluded.
8. A decision by the Engineer or Designee on the Petition shall be made in writing within 7 days after the completion of the hearing or, if the right to a hearing is waived, within 7 days after the deadline for the submission of evidence and argument pursuant to subsections (4) and (5) of this Section, whichever is later. If the individual who conducted the hearing becomes unavailable to the Office of the Engineer, a decision may be prepared by an individual who has read the record only if the demeanor of witnesses is considered immaterial by all parties; if any party considers the demeanor of any witness to be material to the resolution of the petition, a new hearing must be held.
9. The decision of the Engineer or Designee may include an award of declaratory relief, and/or the imposition of conditions on the use or exercise of an Appropriation Right or Existing Use. Such conditions may include, but are not limited to, the installation of measuring devices, the construction of suitable ditches to carry the return waters from any ditch or lands

to the main stream or proper waste way, or the mandate of structural changes to diversion structures.

10. Any Petitioner or Commissioner dissatisfied with the final decision of the Engineer or Designee may appeal to the Board (and become an Appellant) and obtain review of the Engineer's or Designee's decision. A notice of appeal to the Board must be received by the Board within 30 days of the issuance of the Engineer's or Designee's written decision.

3-1-107. Appeal to the Board from a Decision on a Petition.

The process for appeal to the Board of the Engineer's or Designee's decision on a Petition shall be as set forth in Section 3-1-104 of this Ordinance.

3-1-108. Appeal from a Decision of the Board.

The process for appeal from a decision of the Board issued pursuant to Section 3-1-104 of this Ordinance shall be as set forth in Section 2-2-112 of this Ordinance.

3-1-109. Emergency Enforcement Powers of the Engineer.

In an Emergency, the Engineer, or any Staff who is so directed by the Engineer, or any Water Commissioner appointed pursuant to Section 3-1-114 of this Ordinance, shall have the authority to lock, remove, render inoperative, shut down, close, seal, cap, modify, or otherwise control methods of diversions and withdrawals, and obstructions to the flow of water, subject to expedited appeal to the Board by the affected Person, as provided in Section 3-1-110 of this Ordinance.

3-1-110. Additional Enforcement Powers of the Engineer.

1. The Engineer, or any Staff who is so directed by the Engineer, or any Water Commissioner appointed pursuant to Section 3-1-114 of this Ordinance, may enter upon lands on the Reservation with reasonable notice to the owner or occupant, to investigate and inspect methods of diversion, withdrawal, and other activities affecting water quantity, to install measuring devices at the expense of the water user on surface and Groundwater diversions for the purpose of enforcing and administering this Ordinance, to monitor water use, water quality, and diversion structures.
2. The Engineer, or any Staff who is so directed by the Engineer, or any Water Commissioner appointed pursuant to Section 3-1-114 of this Ordinance, may take action to prevent the Illegal use of water, including, but not limited to the temporary decommissioning of head gates or other diversion works.
3. The Engineer may issue written notices of violation to Appropriators and to Illegal users of water for violations of this Ordinance or of the terms and conditions of any Appropriation Right or Existing Use or of any lawful order of the Engineer or the Board or any action or directive of any Water Commissioner appointed pursuant to Section 3-1-114 of this Ordinance.
4. Any notice issued pursuant to subsection (3) of this Section shall specify the particular violation or violations, the step(s) to be taken to come into compliance, and identify a reasonable time frame within which such steps are to be taken.

5. In the event of non-compliance with any written notice issued pursuant to subsection (3) of this Section within the specified time frame, the Engineer may move the Board to exercise its powers pursuant to Sections 3-1-112 and 3-1-113 of this Ordinance.
6. Upon receipt of any written recommendation, pursuant to Section 3-1-115(3) of this Ordinance, from any Water Commissioner, the Engineer or Designee may reject the recommendation or may issue notice of intent to hold a hearing to determine whether the imposition of such conditions identified in the recommendation is warranted. The process for the consideration and resolution of any such matter shall be as set forth in Sections 3-1-105 through 3-1-108 of this Ordinance, with the recommendation being treated as a petition, the Water Commissioner as the Petitioner and the affected water user(s) as Respondent(s).

3-1-111. Expedited Appeal to the Board in the Event of Certain Actions by the Engineer.

1. Any Appropriator whose use of water is affected by an action taken pursuant to Section 3-1-109 or 3-1-110(2) of this Ordinance may file a written notice of appeal with the Board (and become an Appellant). The notice of appeal must describe with particularity the action being appealed and the justification for the appeal.
2. The Board must immediately notify the Engineer of the filing of a notice of appeal pursuant to subsection (1) of this Section, and must hear the appeal within 10 days of the notice of appeal being filed.
3. If the Board finds in favor of the Appellant, it may award appropriate relief, including declaratory relief, but not monetary penalties against the Office of the Engineer or any

employee thereof, including any Water Commissioner appointed pursuant to Section 3-1-114 of this Ordinance, acting in either their professional or personal capacities.

3-1-112. Additional Enforcement Powers of the Board.

Upon motion by the Engineer, and after notice to any affected Appropriator and the opportunity for all parties to be heard, the Board may:

1. Impose fines, as set forth in Section 3-1-113 of this Ordinance.
2. Impose conditions on the future use of any Appropriation Right to prevent further violation, but only upon a finding that the holder of any such Appropriation Right is violating or has violated any provision of that Appropriation Right, or is violating or has violated any order issued by the Engineer or any directive of any Water Commissioner appointed pursuant to Section 3-1-114 of this Ordinance concerning the use of that permit. The process for appeal from any Board decision imposing conditions pursuant to this Section shall be as set forth in Section 2-2-112 of this Ordinance.
3. Revoke or suspend any Appropriation Right, but only upon a finding that the holder of any such Appropriation Right is willfully violating or has willfully violated any provision of that Appropriation Right, or is willfully violating or has willfully violated any order issued by the Engineer concerning the use of that Appropriation Right. The process for appeal from any Board decision revoking or suspending a permit shall be as set forth in Section 2-2-112 of this Ordinance.

3-1-113. Fines.

1. The Board, pursuant to the provisions of this Section, may impose a fine not to exceed \$1,000 per violation on any Person who fails to comply with the provisions of this Ordinance, including any written order of the Board or Engineer or written directive of any Water Commissioner.
2. If a Person is using water under the color of law, fines may only be imposed commencing on the day after the resolution of any appeal from the written order of the Board or Engineer or action or written directive of any Water Commissioner whose violation gives rise to the proposed imposition of fines, or the deadline for filing an appeal if no appeal is filed, after receipt of a written notice of violation pursuant to Section 3-1-111(2) of this Ordinance.
3. If a Person is using water Illegally, the Board may impose fines on that Person at any time commencing from the date of that Person's receipt of the notice of violation from the Engineer pursuant to section 3-1-111(3)(a), if the Illegal use is not ceased immediately upon receipt of the notice of violation.
4. Each day of violation constitutes a separate violation.
5. The process for appeal from any Board decision imposing fines pursuant to this Section shall be as set forth in Section 2-2-112 of this Ordinance.

3-1-114. Appointment of Water Commissioners.

Pursuant to Article IV.I.5.d of the Compact, the Board may appoint one or more Water Commissioners to provide day-to-day administration of water on the Reservation. The appointment shall specify the geographic area for which the commissioner shall have responsibility.

3-1-115. Powers and Duties of Water Commissioners.

Subject to the jurisdictional limitation set forth in Article IV.I.5.d.ii of the Compact and Section 3-1-101(1) of this Ordinance, any Water Commissioner appointed pursuant to Section 3-1-114 of this Ordinance:

1. Shall, consistent with the terms and conditions of the Compact, the federal legislation ratifying the Compact, this Ordinance, and the terms of all applicable Appropriation Rights and Existing Uses, distribute water in the proper priority;
2. Shall, as near as may be practicable, divide, regulate and control the use of the water of all streams, springs, lakes or other sources of water within that Water Commissioner's district to prevent the Waste of water or its use in excess of the volume to which any Appropriator is lawfully entitled, including through the opening and closing of headgates. Whenever a Water Commissioner regulates a headgate to a ditch or the controlling works of reservoirs, it shall be that Water Commissioner's duty to attach to such headgate or controlling works a written notice, properly dated and signed, setting forth the fact that such headgate or controlling works has been properly regulated and is wholly under the Water Commissioner's control and such notice shall be a legal notice to all parties interested in the division and distribution of the water of such ditch or reservoir;
3. Shall notify the Engineer in writing of the non-compliance of any water user with a prior order of the Engineer or the Board or any prior written directive of that Water Commissioner issued pursuant to subsection (4) of this Section;

4. May issue written directives to any Appropriator, or any Illegal user of water, concerning day-to-day actions that must be taken to facilitate the execution of the duties of that Water Commissioner as set forth in subsections (1) and (2) of this Section; and
5. May recommend to the Engineer, in writing, conditions to be placed on the exercise of any Appropriation Right or Existing Use on the Reservation, including the requirement of measuring devices and the necessity of structural changes to diversion or other structures. The Water Commissioner shall serve copies of any such written recommendation on the Appropriator(s) whose Appropriation Right(s) or Existing Use(s) are referenced in the recommendation.

3-1-116. Recourse from Water Commissioner Decisions.

Any Person who may be injured by the action or inaction of a Water Commissioner has the right to petition the Engineer pursuant to the provisions of Section 3-1-105 of this Ordinance.

3-1-117. Removal of Water Commissioners.

Water Commissioners shall serve at the pleasure of the Board and may be removed by unanimous vote of the Board at any time.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

**** THIS IS AN INTERBASIN TRANSFER ****

THIS APPROPRIATION OF WATER TAKES WATER FROM THE FLATHEAD RIVER, BELOW FLATHEAD LAKE (BASIN 76L) AND FROM TRIBUTARIES TO THE BLACKFOOT RIVER (BASIN 76F) AND USES THE WATER IN THE FLATHEAD RIVER DRAINAGE, BELOW FLATHEAD LAKE (BASIN 76L).

Water Right Number: 76L 30052931 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: JULY 16, 1855 at 12:00 A.M.

Enforceable Priority Date: JULY 16, 1855 at 12:00 A.M.

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

THIS WATER RIGHT IS INCIDENTALLY USED FOR STOCKWATER, WETLANDS, AND LAWN AND GARDEN.

Maximum Flow Rate:

THE MAXIMUM FLOW RATE IS SUBJECT TO ARTICLE IV.C THROUGH F OF THE COMPACT.

Maximum Volume:

THE MAXIMUM VOLUME (RIVER DIVERSION ALLOWANCE) IS SUBJECT TO ARTICLE IV.C THROUGH F OF THE COMPACT AND APPENDIX 3.2.

Maximum Acres: 11,163.69

Source Name: FINLEY CREEK, EAST FORK

Source Type: SURFACE WATER

Source Name: PLACID CREEK, NORTH FORK

Source Type: SURFACE WATER

Source Name: SCHLEY CREEK

Source Type: SURFACE WATER

Source Name: JOCKO RIVER

Source Type: SURFACE WATER

Source Name: BLODGETT CREEK

Source Type: SURFACE WATER

Source Name: GOLD CREEK

Source Type: SURFACE WATER

Source Name: STEVENS CREEK

Source Type: SURFACE WATER

Source Name: BARNABY CREEK

Source Type: SURFACE WATER

Source Name: BIG KNIFE CREEK

Source Type: SURFACE WATER

Source Name: MOIESE CREEK

Source Type: SURFACE WATER

Source Name: AGENCY CREEK

Source Type: SURFACE WATER

Source Name: MCCLURE CREEK

Source Type: SURFACE WATER

Source Name: PELLEW CREEK

Source Type: SURFACE WATER

Source Name: REVAIS CREEK
Source Type: SURFACE WATER
Source Name: AGATE STEVENS CREEK
Source Type: SURFACE WATER
Source Name: JOCKO RIVER, MIDDLE FORK
Source Type: SURFACE WATER
Source Name: FINLEY CREEK
Source Type: SURFACE WATER
Source Name: COLD CREEK
Source Type: SURFACE WATER
Source Name: LAMOOSE CREEK
Source Type: SURFACE WATER

COLD CREEK IS A TRIBUTARY OF JOCKO RIVER.
FINLEY CREEK IS A TRIBUTARY OF JOCKO RIVER.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENE	6	15N	19W	MISSOULA
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name: SCHLEY CREEK						
Diversion Means: HEADGATE						
Diversion Type: PRIMARY						
Ditch Name: DONEY DITCH						
2		NESW	1	16N	19W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Flow Rate: 50.00 CFS						
Source Name: GOLD CREEK						
Diversion Means: HEADGATE						
Diversion Type: PRIMARY						
Ditch Name: UPPER JOCKO S CANAL						
3		SWNW	5	16N	19W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name: MOIESE CREEK						
Diversion Means: DITCH						
Diversion Type: PRIMARY						
Ditch Name: JOCKO K CANAL						
4		NWNW	9	16N	19W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name: AGATE STEVENS CREEK						
Diversion Means: DITCH						
Diversion Type: PRIMARY						
Ditch Name: JOCKO K CANAL						
5		SWNE	10	16N	19W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Flow Rate: 245.00 CFS						
Source Name: JOCKO RIVER						
Diversion Means: DIVERSION DAM						
Diversion Type: PRIMARY						
Ditch Name: JOCKO K CANAL						
6		SWNW	14	16N	19W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Flow Rate: 55.00 CFS						
Source Name: BIG KNIFE CREEK						
Diversion Means: DIVERSION DAM						
Diversion Type: PRIMARY						
Ditch Name: UPPER JOCKO S CANAL						

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
7		SWSE	15	16N	19W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						Flow Rate: 55.00 CFS
Source Name:		BLODGETT CREEK				
Diversion Means:		DITCH				
Diversion Type:		PRIMARY				
Ditch Name:		UPPER JOCKO S CANAL				
8		SWSW	15	16N	19W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means:		HEADGATE				
Diversion Type:		SECONDARY				
Ditch Name:		UPPER JOCKO C3				
9		NESW	16	16N	19W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						Flow Rate: 35.00 CFS
Source Name:		AGENCY CREEK				
Diversion Means:		HEADGATE				
Diversion Type:		PRIMARY				
Ditch Name:		JOCKO E CANAL				
10		NENW	20	16N	19W	MISSOULA
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:		MCCLURE CREEK				
Diversion Means:		DITCH				
Diversion Type:		PRIMARY				
Ditch Name:		JOCKO E CANAL				
11		SESE	20	16N	19W	MISSOULA
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:		MCCLURE CREEK				
Diversion Means:		DITCH				
Diversion Type:		PRIMARY				
Ditch Name:		UPPER JOCKO J CANAL				
12		NENW	21	16N	19W	MISSOULA
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means:		HEADGATE				
Diversion Type:		SECONDARY				
Ditch Name:		UPPER JOCKO C5				
13		NESE	21	16N	19W	MISSOULA
Period of Diversion: APRIL 15 TO SEPTEMBER 15						Flow Rate: 10.00 CFS
Source Name:		AGENCY CREEK				
Diversion Means:		DIVERSION DAM				
Diversion Type:		PRIMARY				
Ditch Name:		UPPER JOCKO J CANAL				
14		SESE	21	16N	19W	MISSOULA
Period of Diversion: APRIL 15 TO SEPTEMBER 15						Flow Rate: 55.00 CFS
Source Name:		AGENCY CREEK				
Diversion Means:		HEADGATE				
Diversion Type:		PRIMARY				
Ditch Name:		UPPER JOCKO S CANAL				
15		NWNW	22	16N	19W	MISSOULA
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means:		HEADGATE				
Diversion Type:		SECONDARY				
Ditch Name:		UPPER JOCKO C2				

**ADDITIONAL
DOCUMENTS**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
16		NESW	22	16N	19W	MISSOULA
Period of Diversion: APRIL 15 TO SEPTEMBER 15						Flow Rate: 55.00 CFS
Source Name: STEVENS CREEK						
Diversion Means: DITCH						
Diversion Type: PRIMARY						
Ditch Name: UPPER JOCKO S CANAL						
17		SENW	28	16N	19W	MISSOULA
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name: MCCLURE CREEK						
Diversion Means: DITCH						
Diversion Type: PRIMARY						
Ditch Name: UPPER JOCKO S CANAL						
18		NWNW	30	16N	19W	MISSOULA
Period of Diversion: APRIL 15 TO SEPTEMBER 15						Flow Rate: 14.00 CFS
Source Name: FINLEY CREEK						
Diversion Means: DIVERSION DAM						
Diversion Type: PRIMARY						
Ditch Name: JOCKO E CANAL						
19		SESW	32	16N	19W	MISSOULA
Period of Diversion: APRIL 15 TO SEPTEMBER 15						Flow Rate: 14.00 CFS
Source Name: FINLEY CREEK, EAST FORK						
Diversion Means: DIVERSION DAM						
Diversion Type: PRIMARY						
Ditch Name: JOCKO N CANAL						
20		NWSE	29	17N	16W	MISSOULA
Period of Diversion: APRIL 15 TO SEPTEMBER 15						Flow Rate: 120.00 CFS
Source Name: PLACID CREEK, NORTH FORK						
Diversion Means: DIVERSION DAM						
Diversion Type: PRIMARY						
Ditch Name: PLACID CANAL						
21		SENW	26	17N	17W	MISSOULA
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Source Name: JOCKO RIVER, MIDDLE FORK						
Diversion Means: DAM						
Diversion Type: PRIMARY						
22		SENE	28	17N	17W	MISSOULA
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Source Name: JOCKO RIVER, MIDDLE FORK						
Diversion Means: DAM						
Diversion Type: PRIMARY						
23		NESE	29	17N	18W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						Flow Rate: 50.00 CFS
Source Name: JOCKO RIVER						
Diversion Means: DIVERSION DAM						
Diversion Type: PRIMARY						
Ditch Name: UPPER JOCKO S CANAL						
24		SENE	31	17N	18W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						Flow Rate: 50.00 CFS
Source Name: COLD CREEK						
Diversion Means: DITCH						
Diversion Type: PRIMARY						
Ditch Name: UPPER JOCKO S CANAL						

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
25		SESW	30	17N	19W	LAKE	
Period of Diversion: APRIL 15 TO SEPTEMBER 15							
Source Name: BARNABY CREEK							
Diversion Means: HEADGATE							
Diversion Type: PRIMARY							
Ditch Name: JOCKO K CANAL							
26		NWSW	32	17N	19W	LAKE	
Period of Diversion: APRIL 15 TO SEPTEMBER 15							
Source Name: PELLEW CREEK							
Diversion Means: DITCH							
Diversion Type: PRIMARY							
Ditch Name: JOCKO K CANAL							
27		NWNW	23	17N	20W	LAKE	
Period of Diversion: APRIL 15 TO SEPTEMBER 15							
Source Name:							
Diversion Means: HEADGATE							
Diversion Type: SECONDARY							
Ditch Name: JOCKO K44							
28		NWNW	24	17N	20W	LAKE	
Period of Diversion: APRIL 15 TO SEPTEMBER 15							
Source Name: LAMOOSE CREEK							
Diversion Means: HEADGATE							
Diversion Type: PRIMARY							
Ditch Name: JOCKO K CANAL							
29		SWSE	35	17N	20W	LAKE	
Period of Diversion: APRIL 15 TO SEPTEMBER 15							
Source Name: JOCKO RIVER							
Diversion Means: DIVERSION DAM							
Diversion Type: PRIMARY							
Ditch Name: LOWER JOCKO S CANAL							
						Flow Rate:	15.00 CFS
30		SENW	31	18N	20W	LAKE	
Period of Diversion: APRIL 15 TO SEPTEMBER 15							
Source Name: JOCKO RIVER							
Diversion Means: DIVERSION DAM							
Diversion Type: PRIMARY							
Ditch Name: LOWER JOCKO J CANAL							
						Flow Rate:	35.00 CFS
31		SENW	22	18N	22W	SANDERS	
Period of Diversion: APRIL 15 TO SEPTEMBER 15							
Source Name: REVAIS CREEK							
Diversion Means: DIVERSION DAM							
Diversion Type: PRIMARY							
Ditch Name: REVAIS R CANAL							
						Flow Rate:	27.00 CFS
32		SWNE	23	18N	22W	SANDERS	
Period of Diversion: APRIL 15 TO SEPTEMBER 15							
Source Name:							
Diversion Means: PUMP							
Diversion Type: SECONDARY							

ID Govt Lot Qtr Sec Sec Twp Rge County

WATER DIVERTED AT #20 (N FORK PLACID) IS CONVEYED THROUGH PLACID CANAL TO JOCKO RIVER, MIDDLE FORK WHICH IS USED AS A NATURAL CARRIER TO DIVERSIONS #21 (UPPER JOCKO RESERVOIR) AND #22 (LOWER JOCKO RESERVOIR). WATER PASSED-THROUGH OR IMPOUNDED AT DIVERSIONS #21 (UPPER JOCKO RESERVOIR) AND #22 (LOWER JOCKO RESERVOIR) USES JOCKO RIVER, MIDDLE FORK (JOCKO RIVER) AS A NATURAL CARRIER TO DIVERSIONS #23 (UPPER S), #5 (JOCKO K), #29 (LOWER S) AND #30 (LOWER J). WATER DIVERTED AT #23 (JOCKO R), #24 (COLD CR), #2 (GOLD CR), #6 (BIG KNIFE), AND #7 (BLODGETT CR) IS CONVEYED THROUGH UPPER JOCKO S CANAL TO THE PLACE OF USE; TO DIVERSION #16 (UPPER S AT STEVENS CR); TO STEVENS CREEK WHICH IS USED AS A NATURAL CARRIER TO DIVERSIONS #15 (UPPER C2) AND #8 (UPPER C3); AND THROUGH JOCKO D CANAL AND JOCKO R CANAL TO THE PLACE OF USE.

WATER DIVERTED AT #16 (STEVENS CR) IS CONVEYED THROUGH UPPER JOCKO S CANAL TO DIVERSION #14 (UPPER S AT AGENCY CR) AND AGENCY CREEK WHICH IS USED AS A NATURAL CARRIER TO DIVERSIONS #13 (UPPER J), #12 (UPPER C5), AND #9 (JOCKO E). WATER DIVERTED AT #14 (AGENCY CR) AND #17 (MCCLURE CR) IS CONVEYED THROUGH UPPER JOCKO S CANAL TO THE PLACE OF USE. WATER DIVERTED AT #13 (AGENCY CR) AND #11 (MCCLURE CR) IS CONVEYED THROUGH UPPER JOCKO J CANAL TO THE PLACE OF USE. WATER DIVERTED AT #5 (JOCKO R) IS CONVEYED THROUGH JOCKO K CANAL TO THE PLACE OF USE; TO DIVERSION #4 (JOCKO K AT AGATE STEVENS CR); AND THROUGH JOCKO R CANAL TO THE PLACE OF USE AND DIVERSION #9 (JOCKO E AT AGENCY CR). WATER DIVERTED AT #9 (AGENCY CR), 10 (MCCLURE CR), AND #18 (FINLEY CR) IS CONVEYED THROUGH JOCKO E CANAL TO THE PLACE OF USE. WATER DIVERTED AT #19 (E FORK FINLEY) IS CONVEYED THROUGH JOCKO N CANAL TO THE PLACE OF USE.

WATER DIVERTED AT #1 (SCHLEY CR) IS CONVEYED THROUGH DONEY DITCH TO THE PLACE OF USE. WATER DIVERTED AT #4 (AGATE STEVENS CR), #3 (MOIESE CR), #26 (PELLEW CR), AND #25 (BARNABY CR) IS CONVEYED TO THE PLACE OF USE; TO DIVERSION #28 (JOCKO K AT LAMOOSE CR); AND TO LAMOOSE CREEK WHICH IS USED AS A NATURAL CARRIER TO DIVERSION #27 (JOCKO K44). WATER DIVERTED AT #30 (JOCKO R) IS CONVEYED THROUGH LOWER JOCKO J CANAL AND REVAIS PUMP CANAL TO THE PLACE OF USE AND AN UNNAMED COULEE WHICH IS USED AS A NATURAL CARRIER TO PUMP-BACK DIVERSION #32. WATER DIVERTED AT #31 (REVAIS CR) IS CONVEYED THROUGH REVAIS R CANAL AND REVAIS PUMP CANAL TO THE PLACE OF USE AND AN UNNAMED COULEE WHICH IS USED AS A NATURAL CARRIER TO PUMP-BACK DIVERSION #32.

SECONDARY POINT OF DIVERSION WATER SOURCES ARE A MIX OF RELEASES FROM THE PRIMARY POINTS OF DIVERSION.

UPPER JOCKO RESERVOIR IS ALSO SUPPLIED BY DIVERSION #20 (N FK PLACID CR).

LOWER JOCKO RESERVOIR IS ALSO SUPPLIED BY DIVERSION #20 (N FK PLACID CR).

Reservoir: ON STREAM Reservoir Name UPPER JOCKO RESERVOIR
 Govt Lot Qtr Sec Sec Twp Rge County
 SENW 26 17N 17W MISSOULA

Diversion to Reservoir: DIVERSION # 21

Dam Height: 75.00 FEET

Surface Area: 165.00 ACRES

Current Capacity: 5,200.00 ACRE-Feet

Reservoir: ON STREAM Reservoir Name LOWER JOCKO RESERVOIR
 Govt Lot Qtr Sec Sec Twp Rge County
 SENE 28 17N 17W MISSOULA

Diversion to Reservoir: DIVERSION # 22

Dam Height: 20.00 FEET

Surface Area: 130.00 ACRES

Current Capacity: 6,497.00 ACRE-Feet

SEE THE ATTACHED RESERVOIR DIAGRAMS.

Period of Use: APRIL 15 to OCTOBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				5	16N	19W	LAKE
2				6	16N	19W	LAKE
3				7	16N	19W	LAKE
4				8	16N	19W	LAKE
5				9	16N	19W	LAKE

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
6				15	16N	19W	LAKE
7				16	16N	19W	LAKE
8				17	16N	19W	LAKE
9				18	16N	19W	LAKE
10				19	16N	19W	MISSOULA
11				20	16N	19W	MISSOULA
12				21	16N	19W	MISSOULA
13				22	16N	19W	MISSOULA
14				28	16N	19W	MISSOULA
15				29	16N	19W	MISSOULA
16				30	16N	19W	MISSOULA
17				31	16N	19W	MISSOULA
18				32	16N	19W	MISSOULA
19				1	16N	20W	LAKE
20				2	16N	20W	LAKE
21				11	16N	20W	LAKE
22				12	16N	20W	LAKE
23				13	16N	20W	LAKE
24				14	16N	20W	LAKE
25				23	16N	20W	MISSOULA
26				24	16N	20W	MISSOULA
27				25	16N	20W	MISSOULA
28				30	17N	19W	LAKE
29				31	17N	19W	LAKE
30				32	17N	19W	LAKE
31				14	17N	20W	LAKE
32				15	17N	20W	LAKE
33				16	17N	20W	LAKE
34				21	17N	20W	LAKE
35				22	17N	20W	LAKE
36				23	17N	20W	LAKE
37				24	17N	20W	LAKE
38				25	17N	20W	LAKE
39				26	17N	20W	LAKE
40				27	17N	20W	LAKE
41				35	17N	20W	LAKE
42				36	17N	20W	LAKE
43				31	18N	20W	LAKE
44				17	18N	21W	SANDERS
45				18	18N	21W	SANDERS
46				19	18N	21W	SANDERS
47				20	18N	21W	SANDERS
48				21	18N	21W	SANDERS
49				26	18N	21W	SANDERS
50				27	18N	21W	SANDERS
51				28	18N	21W	SANDERS
52				35	18N	21W	SANDERS
53				36	18N	21W	SANDERS
54				13	18N	22W	SANDERS
55				14	18N	22W	SANDERS
56				22	18N	22W	SANDERS
57				23	18N	22W	SANDERS
58				24	18N	22W	SANDERS

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME POINT OF DIVERSION.

30052929 30052931 30052932

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME RESERVOIR.

30052931 30052932

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

NO MORE THAN 135,000 ACRES MAY BE IRRIGATED DURING ANY GIVEN IRRIGATION SEASON WITHIN THE PLACE OF USE DESCRIBED BY WATER RIGHTS 76L 30052930, 76L 30052931, AND 76L 30052932.

THE FOLLOWING ADMINISTRATIVE AREAS , AS DEFINED IN APPENDIX 3.2 TO THE COMPACT, ARE PERTINENT TO THIS WATER RIGHT: PLACID CANAL DIVERSION, UPPER JOCKO RIVER, AGENCY / FINLEY CREEK, LOWER JOCKO RIVER, REVAIS CREEK.

SEE 30052931 MAP EXHIBIT(S) 1 THROUGH 13.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

****** THIS IS AN INTERBASIN TRANSFER ******

THIS APPROPRIATION OF WATER TAKES WATER FROM THE FLATHEAD RIVER, BELOW FLATHEAD LAKE (BASIN 76L) AND TRIBUTARIES TO THE CLARK FORK RIVER BELOW THE FLATHEAD RIVER (BASIN 76N), AND USED THE WATER IN THE FLATHEAD RIVER DRAINAGE, BELOW FLATHEAD LAKE (BASIN 76L).

Water Right Number: 76L 30052930 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: JULY 16, 1855 at 12:00 A.M.

Enforceable Priority Date: JULY 16, 1855 at 12:00 A.M.

Purpose (use): IRRIGATION

Irrigation Type: SPRINKLER/FLOOD

THIS WATER RIGHT IS INCIDENTALLY USED FOR STOCKWATER, WETLANDS,
AND LAWN AND GARDEN.

Maximum Flow Rate:

THE MAXIMUM FLOW RATE IS SUBJECT TO ARTICLE IV.C THROUGH F OF THE
COMPACT.

Maximum Volume:

THE MAXIMUM VOLUME (RIVER DIVERSION ALLOWANCE) IS SUBJECT TO
ARTICLE IV.C THROUGH F OF THE COMPACT AND APPENDIX 3.2.

Maximum Acres: 13,767.07

Source Name: LITTLE BITTERROOT RIVER

Source Type: SURFACE WATER

Source Name: BRIGGS CREEK

Source Type: SURFACE WATER

Source Name: MARKLE CREEK

Source Type: SURFACE WATER

Source Name: LETZEN GULCH

Source Type: SURFACE WATER

Source Name: UNNAMED TRIBUTARY OF MCGINNIS CREEK

Source Type: SURFACE WATER

Source Name: HOT SPRINGS CREEK

Source Type: SURFACE WATER

Source Name: DRY FORK CREEK

Source Type: SURFACE WATER

Source Name: LITTLE CREEK

Source Type: SURFACE WATER

Source Name: MILL CREEK

Source Type: SURFACE WATER

Source Name: MILL POCKET CREEK

Source Type: SURFACE WATER

Source Name: FINLEY CREEK

Source Type: SURFACE WATER

Source Name: MCGINNIS CREEK

Source Type: SURFACE WATER

Source Name: ALDER CREEK

Source Type: SURFACE WATER

Source Name: GARDEN CREEK
Source Type: SURFACE WATER
Source Name: UNNAMED TRIBUTARY OF ALDER CREEK
Source Type: SURFACE WATER
Source Name: REDMOND CREEK
Source Type: SURFACE WATER
MILL CREEK IS A TRIBUTARY OF LITTLE BITTERROOT RIVER.
FINLEY CREEK IS A TRIBUTARY OF DRY FORK CREEK.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENE	1	21N	24W	SANDERS
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
2		NESE	2	21N	24W	SANDERS
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
3		NESW	2	21N	24W	SANDERS
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
4		SWNW	3	21N	24W	SANDERS
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name: HOT SPRINGS CREEK						
Diversion Means: HEADGATE						
Diversion Type: PRIMARY						
Ditch Name: CAMAS C CANAL						
5		NENW	13	21N	24W	SANDERS
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name: MARKLE CREEK						
Diversion Means: DITCH						
Diversion Type: PRIMARY						
Ditch Name: CAMAS C CANAL						
6		SENE	30	22N	23W	SANDERS
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
7		SENE	30	22N	23W	SANDERS
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Source Name:						
Diversion Means: DAM						
Diversion Type: SECONDARY						
8	2		31	22N	23W	SANDERS
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Source Name: DRY FORK CREEK						
Diversion Means: DAM						
Diversion Type: PRIMARY						

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
9	4		3	22N	24W	SANDERS
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Flow Rate: 55.00 CFS						
Source Name: DRY FORK CREEK						
Diversion Means: DAM						
Diversion Type: PRIMARY						
Ditch Name: CAMAS C CANAL						
10	3		4	22N	24W	SANDERS
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name: LETZEN GULCH						
Diversion Means: DITCH						
Diversion Type: PRIMARY						
Ditch Name: CAMAS D CANAL						
11		NENE	9	22N	24W	SANDERS
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name: LITTLE CREEK						
Diversion Means: DITCH						
Diversion Type: PRIMARY						
Ditch Name: CAMAS D CANAL						
12		NESE	10	22N	24W	SANDERS
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
13		SWNE	11	22N	24W	SANDERS
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
14		NWSE	11	22N	24W	SANDERS
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
15		SESW	13	22N	24W	SANDERS
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
16		NWNE	14	22N	24W	SANDERS
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
17		SENE	14	22N	24W	SANDERS
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
18		SENE	21	22N	24W	SANDERS
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name: GARDEN CREEK						
Diversion Means: HEADGATE						
Diversion Type: PRIMARY						
Ditch Name: CAMAS C CANAL						

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
38		NWNW	34	24N	24W	SANDERS

Period of Diversion: JANUARY 1 TO DECEMBER 31 Flow Rate: 89.00 CFS
 Source Name: MILL POCKET CREEK
 Diversion Means: HEADGATE
 Diversion Type: PRIMARY
 Ditch Name: CAMAS A CANAL

39		SENE	18	25N	24W	FLATHEAD
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Period of Diversion: JANUARY 1 TO DECEMBER 31
 Source Name: LITTLE BITTERROOT RIVER
 Diversion Means: DAM
 Diversion Type: PRIMARY

40		SESW	13	25N	25W	FLATHEAD
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Period of Diversion: APRIL 15 TO SEPTEMBER 15
 Source Name: BRIGGS CREEK
 Diversion Means: HEADGATE
 Diversion Type: PRIMARY
 Ditch Name: BRIGGS-REDMOND DITCH

41		NESW	24	25N	25W	FLATHEAD
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Period of Diversion: APRIL 15 TO SEPTEMBER 15
 Source Name: REDMOND CREEK
 Diversion Means: HEADGATE
 Diversion Type: PRIMARY
 Ditch Name: BRIGGS-REDMOND DITCH

42	5		16	27N	24W	FLATHEAD
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Period of Diversion: JANUARY 1 TO DECEMBER 31
 Source Name: LITTLE BITTERROOT RIVER
 Diversion Means: DAM
 Diversion Type: PRIMARY

WATER DIVERTED AT #41 (REDMOND CR) AND #40 (BRIGGS CR) IS CONVEYED THROUGH BRIGGS-REDMOND DITCH TO DIVERSION #39 (HUBBART RESERVOIR). WATER PASSED-THROUGH OR IMPOUNDED AT DIVERSIONS #42 (LITTLE BITTERROOT RESERVOIR) AND #39 (HUBBART RESERVOIR) USES LITTLE BITTERROOT RIVER AS A NATURAL CARRIER TO DIVERSION #36 (CAMAS A). WATER DIVERTED AT #36 (L BITTERROOT RIVER), #37 (MILL CR) AND #38 (MILL POCKET CR) IS CONVEYED TO THE PLACE OF USE AND DRY FORK CREEK WHICH IS USED AS A NATURAL CARRIER TO DIVERSIONS #30 (CAMAS B AND D) AND #9 (LOWER DRY FORK RESERVOIR). WATER DIVERTED AT #35 (ALDER CR), #33 (ALDER CR TRIB), & #34 (ALDER CR TRIB) IS CONVEYED THROUGH ALDER DITCH TO DRY FORK CREEK WHICH IS USED AS A NATURAL CARRIER TO DIVERSION #29 (UPPER DRY FORK RESERVOIR).

WATER PASSED-THROUGH OR IMPOUNDED AT DIVERSION #29 (UPPER DRY FORK RESERVOIR) USES DRY FORK CREEK AT A NATURAL CARRIER TO DIVERSIONS #30 (CAMAS B AND D) AND #9 (LOWER DRY FORK RESERVOIR) AND IS CONVEYED THROUGH DRY FORK FEEDER CANAL TO THE PLACE OF USE. WATER DIVERTED AT #30 (DRY FORK CR), #31 (FINLEY CR), #10 (LETZEN GULCH), AND #11 (LITTLE CR) IS CONVEYED THROUGH CAMAS D CANAL TO THE PLACE OF USE. WATER DIVERTED AT #30 (DRY FORK CR) IS ALSO CONVEYED THROUGH THE CAMAS B CANAL TO THE PLACE OF USE AND MULTIPLE UNNAMED COULEES WHICH ARE USED AS NATURAL CARRIERS TO PUMP-BACK DIVERSIONS #32, #13, #14 AND #7 (RESERVOIR). WATER PASSED-THROUGH OR IMPOUNDED AT DIVERSION #7 (PUMP-BACK RESERVOIR) USES AN UNNAMED COULEE AS A NATURAL CARRIER TO PUMP-BACK DIVERSION #6.

WATER PASSED-THROUGH OR IMPOUNDED AT DIVERSION #9 (LOWER DRY FORK RESERVOIR) USES DRY FORK CREEK AS A NATURAL CARRIER TO PUMP-BACK DIVERSIONS #12, #16, #17, #15, #20, #22 AND #8 (RESERVOIR) AND IS CONVEYED THROUGH CAMAS C CANAL TO THE PLACE OF USE, DIVERSION #18 (CAMAS C AT GARDEN CR) AND GARDEN CREEK WHICH IS USED AS A NATURAL CARRIER TO PUMP-BACK DIVERSIONS #19, #24, #21 AND #23. WATER PASSED-THROUGH OR IMPOUNDED AT DIVERSION #8 (PUMP-BACK RESERVOIR) USES DRY FORK CREEK AS A NATURAL CARRIER TO PUMP-BACK DIVERSION #25. WATER DIVERTED AT #26 (MCGINNIS CR TRIB), #28 (MCGINNIS CR TRIB) AND #27 (MCGINNIS CR) IS CONVEYED THROUGH MCGINNIS DITCH TO GARDEN CREEK WHICH IS USED AS A NATURAL CARRIER TO DIVERSION #18 (CAMAS A) AND PUMP-BACK DIVERSIONS #19, #24, #21 AND #23.

ID

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
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WATER DIVERTED AT #18 (GARDEN CR) AND #4 (HOT SPRINGS CR) IS CONVEYED THROUGH CAMAS C CANAL TO THE PLACE OF USE; TO DIVERSION #5 (CAMAS C AT MARKLE CR); AND TO WARM SPRINGS CREEK WHICH IS USED AS A NATURAL CARRIER TO PUMP-BACK DIVERSIONS #3, #2, AND #1. WATER DIVERTED AT #5 (MARKLE CR) IS CONVEYED THROUGH CAMAS C CANAL TO THE PLACE OF USE. SECONDARY POINT OF DIVERSION WATER SOURCES ARE A MIX OF RELEASES FROM THE PRIMARY POINTS OF DIVERSION.

UNNAMED DRY FORK PUMP-BACK RESERVOIR IS ALSO SUPPLIED BY DIVERSION(S) #35 (ALDER CR), #33 (ALDER CR TRIB), #34 (ALDER CR TRIB), #36 (CAMAS A AT LITTLE BITTERROOT R), #37 (CAMAS A AT MILL CR), AND #38 (CAMAS A AT MILL POCKET CR).

LOWER DRY FORK RESERVOIR IS ALSO SUPPLIED BY DIVERSIONS #35 (ALDER CR), #33 (ALDER CR TRIB), #34 (ALDER CR TRIB), #36 (CAMAS A AT LITTLE BITTERROOT R), #37 (CAMAS A AT MILL CR), AND #38 (CAMAS A AT MILL POCKET CR).

UPPER DRY FORK RESERVOIR IS ALSO SUPPLIED BY DIVERSIONS #35 (ALDER CR), #33 (ALDER CR TRIB), AND #34 (ALDER CR TRIB).

UNNAMED CAMAS B PUMP-BACK RESERVOIR IS ALSO SUPPLIED BY DIVERSIONS #35 (ALDER CR), #33 (ALDER CR TRIB), #34 (ALDER CR TRIB), #36 (CAMAS A AT LITTLE BITTERROOT R), #37 (CAMAS A AT MILL CR), AND #38 (CAMAS A AT MILL POCKET CR).

WATER IN UNNAMED CAMAS B PUMP-BACK RESERVOIR IS IMPOUNDED AT DIVERSION #7.

HUBBART RESERVOIR IS ALSO SUPPLIED BY DIVERSIONS #40 (BRIGGS CR) AND #41 (REDMOND CR).

Reservoir: ON STREAM Reservoir Name UNNAMED DRY FORK PUMP-BACK

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
2		31	22N	23W	SANDERS

Diversion to Reservoir: DIVERSION # 8

Reservoir: ON STREAM Reservoir Name LOWER DRY FORK RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
4		3	22N	24W	SANDERS

Diversion to Reservoir: DIVERSION # 9

Dam Height: 29.50 FEET
Surface Area: 370.00 ACRES
Current Capacity: 3,860.00 ACRE-FEET

Reservoir: ON STREAM Reservoir Name UPPER DRY FORK RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SESW	16	23N	24W	SANDERS

Diversion to Reservoir: DIVERSION # 29

Dam Height: 40.00 FEET
Surface Area: 320.00 ACRES
Current Capacity: 2,800.00 ACRE-FEET

Reservoir: OFF STREAM Reservoir Name UNNAMED CAMAS B PUMP-BACK

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SENW	21	23N	24W	SANDERS

Diversion to Reservoir: DIVERSION # 30

Reservoir: ON STREAM Reservoir Name HUBBART RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SENE	18	25N	24W	FLATHEAD

Diversion to Reservoir: DIVERSION # 39

Dam Height: 130.00 FEET
Surface Area: 1,450.00 ACRES
Current Capacity: 12,000.00 ACRE-FEET

Reservoir: ON STREAM Reservoir Name LITTLE BITTERROOT RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
5		16	27N	24W	FLATHEAD

Diversion to Reservoir: DIVERSION # 42

Dam Height: 17.00 FEET
Surface Area: 3,950.00 ACRES
Current Capacity: 26,400.00 ACRE-FEET

SEE THE ATTACHED RESERVOIR DIAGRAMS.

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
19		SWSW	28	18N	19W	LAKE	
Period of Diversion: APRIL 15 TO SEPTEMBER 15							Flow Rate: 27.00 CFS
Source Name: DRY CREEK							
Diversion Means: HEADGATE							
Diversion Type: PRIMARY							
Ditch Name: MISSION F CANAL							
20		SWSW	28	18N	19W	LAKE	
Period of Diversion: JANUARY 1 TO DECEMBER 31							Flow Rate: 255.00 CFS
Source Name: DRY CREEK							
Diversion Means: OTHER							
Diversion Type: PRIMARY							
Ditch Name: PABLO FEEDER CANAL							
21		SESE	29	18N	19W	LAKE	
Period of Diversion: APRIL 15 TO SEPTEMBER 15							Flow Rate: 27.00 CFS
Source Name: THORNE CREEK							
Diversion Means: DITCH							
Diversion Type: PRIMARY							
Ditch Name: MISSION F CANAL							
22		SESE	31	18N	19W	LAKE	
Period of Diversion: APRIL 15 TO SEPTEMBER 15							
Source Name: SABINE CREEK							
Diversion Means: DITCH							
Diversion Type: PRIMARY							
Ditch Name: MISSION F CANAL							
23		NESW	34	18N	19W	LAKE	
Period of Diversion: APRIL 15 TO SEPTEMBER 15							
Source Name: COLD CREEK							
Diversion Means: DIVERSION DAM							
Diversion Type: PRIMARY							
Ditch Name: COLD CREEK DITCH							
24		SWSW	35	18N	19W	LAKE	
Period of Diversion: APRIL 15 TO SEPTEMBER 15							
Source Name: DRY CREEK							
Diversion Means: HEADGATE							
Diversion Type: PRIMARY							
Ditch Name: DC-2							
25		SWNW	1	18N	20W	LAKE	
Period of Diversion: APRIL 15 TO SEPTEMBER 15							
Source Name:							
Diversion Means: HEADGATE							
Diversion Type: SECONDARY							
Ditch Name: MISSION 21C-3-3							
26		SWSE	1	18N	20W	LAKE	
Period of Diversion: APRIL 15 TO SEPTEMBER 15							
Source Name:							
Diversion Means: HEADGATE							
Diversion Type: SECONDARY							
Ditch Name: MISSION 21C							
27		NESW	1	18N	20W	LAKE	
Period of Diversion: APRIL 15 TO SEPTEMBER 15							
Source Name:							
Diversion Means: HEADGATE							
Diversion Type: SECONDARY							
Ditch Name: MISSION 21C-3-2							

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
28		NESW	1	18N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: HEADGATE						
Diversion Type: SECONDARY						
Ditch Name: MISSION 21C-3-1						
29		SENE	2	18N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: HEADGATE						
Diversion Type: SECONDARY						
Ditch Name: MISSION 21C-3-5						
30		SESE	2	18N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: HEADGATE						
Diversion Type: SECONDARY						
Ditch Name: MISSION 17C-1						
31		SENE	3	18N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
32		SWNW	3	18N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: HEADGATE						
Diversion Type: SECONDARY						
Ditch Name: MISSION 11C-2B						
33	3		3	18N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
34	1		4	18N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
35		SENW	11	18N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: HEADGATE						
Diversion Type: SECONDARY						
Ditch Name: MISSION 11CX						
36		SWSW	11	18N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
37		NWNW	12	18N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: DITCH						
Diversion Type: SECONDARY						
Ditch Name: MISSION 17C						
38		SWNW	12	18N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: HEADGATE						
Diversion Type: SECONDARY						
Ditch Name: MISSION 13C						
39		SWNE	14	18N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name: MISSION CREEK						
Diversion Means: DIVERSION DAM						
Diversion Type: PRIMARY						
Ditch Name: MISSION 6C						
					Flow Rate:	10.00 CFS
40		NWNE	24	18N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name: MISSION CREEK						
Diversion Means: DIVERSION DAM						
Diversion Type: PRIMARY						
Ditch Name: MISSION C CANAL						
					Flow Rate:	100.00 CFS
41		SENE	24	18N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name: MISSION CREEK						
Diversion Means: HEADGATE						
Diversion Type: PRIMARY						
Ditch Name: TOWN DITCH						
42		SWNE	36	18N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name: MCCOLLUM CREEK						
Diversion Means: DITCH						
Diversion Type: PRIMARY						
Ditch Name: MISSION F CANAL						
43		SENE	4	19N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Source Name: POST CREEK						
Diversion Means: DIVERSION DAM						
Diversion Type: PRIMARY						
Ditch Name: PABLO FEEDER CANAL						
					Flow Rate:	220.00 CFS
44		SWNE	5	19N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Source Name: POST CREEK						
Diversion Means: DIVERSION DAM						
Diversion Type: PRIMARY						
Ditch Name: KICKING HORSE FEEDER CANAL						
					Flow Rate:	250.00 CFS
45		4	6	19N	19W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: HEADGATE						
Diversion Type: SECONDARY						
Ditch Name: MISSION 29C						

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
46		SWSW	7	19N	19W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Flow Rate: 70.00 CFS						
Source Name: POST CREEK						
Diversion Means: DIVERSION DAM						
Diversion Type: PRIMARY						
Ditch Name: POST F CANAL						
47	1		10	19N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Source Name: POST CREEK						
Diversion Means: DAM						
Diversion Type: PRIMARY						
48		NWSE	16	19N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Flow Rate: 300.00 CFS						
Source Name: VALENTINE CREEK						
Diversion Means: DITCH						
Diversion Type: PRIMARY						
Ditch Name: PABLO FEEDER CANAL						
49		SESE	17	19N	19W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name: VALENTINE CREEK						
Diversion Means: DITCH						
Diversion Type: PRIMARY						
Ditch Name: MISSION B CANAL						
50		NENE	20	19N	19W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name: POISON OAK CREEK						
Diversion Means: DITCH						
Diversion Type: PRIMARY						
Ditch Name: MISSION B CANAL						
51		NENW	20	19N	19W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name: POISON OAK CREEK						
Diversion Means: DITCH						
Diversion Type: PRIMARY						
Ditch Name: MISSION C CANAL						
52		SWNE	21	19N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Flow Rate: 300.00 CFS						
Source Name: POISON OAK CREEK						
Diversion Means: DITCH						
Diversion Type: PRIMARY						
Ditch Name: PABLO FEEDER CANAL						
53		NWNW	30	19N	19W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: DITCH						
Diversion Type: SECONDARY						
Ditch Name: MISSION 44C-3						
54		NESW	30	19N	19W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: HEADGATE						
Diversion Type: SECONDARY						
Ditch Name: MISSION 44C-2						

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
55		NESW	30	19N	19W	LAKE

Period of Diversion: APRIL 15 TO SEPTEMBER 15

Source Name:

Diversion Means: HEADGATE

Diversion Type: SECONDARY

Ditch Name: MISSION 44C-26

56		SWSE	31	19N	19W	LAKE
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Period of Diversion: APRIL 15 TO SEPTEMBER 15

Source Name: ASHLEY CREEK

Diversion Means: DITCH

Diversion Type: PRIMARY

Ditch Name: MISSION C CANAL

57		NWNW	8	19N	20W	LAKE
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Period of Diversion: APRIL 15 TO SEPTEMBER 15

Source Name:

Diversion Means: PUMP

Diversion Type: SECONDARY

58		NENW	13	19N	20W	LAKE
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Period of Diversion: APRIL 15 TO SEPTEMBER 15

Source Name:

Diversion Means: PUMP

Diversion Type: SECONDARY

59	1		18	19N	20W	LAKE
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Period of Diversion: APRIL 15 TO SEPTEMBER 15

Source Name:

Diversion Means: PUMP

Diversion Type: SECONDARY

60	1		19	19N	20W	LAKE
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Period of Diversion: APRIL 15 TO SEPTEMBER 15

Source Name:

Diversion Means: PUMP

Diversion Type: SECONDARY

61		NWNW	20	19N	20W	LAKE
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Period of Diversion: APRIL 15 TO SEPTEMBER 15

Flow Rate: 22.00 CFS

Source Name:

Diversion Means: DIVERSION DAM

Diversion Type: SECONDARY

Ditch Name: DUBLIN DITCH

62		NESE	21	19N	20W	LAKE
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Period of Diversion: APRIL 15 TO SEPTEMBER 15

Source Name:

Diversion Means: HEADGATE

Diversion Type: SECONDARY

Ditch Name: POST 22F

63		SWSE	21	19N	20W	LAKE
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Period of Diversion: APRIL 15 TO SEPTEMBER 15

Source Name:

Diversion Means: DITCH

Diversion Type: SECONDARY

Ditch Name: POST 24F

64		SESE	22	19N	20W	LAKE
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Period of Diversion: APRIL 15 TO SEPTEMBER 15

Source Name:

Diversion Means: PUMP

Diversion Type: SECONDARY

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65		SWSE	22	19N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
66		NESW	22	19N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: HEADGATE						
Diversion Type: SECONDARY						
Ditch Name: POST 21F						
67		NWSW	24	19N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
68		SESW	24	19N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
69		SENW	29	19N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: HEADGATE						
Diversion Type: SECONDARY						
Ditch Name: POST 33F						
70		NENW	30	19N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: HEADGATE						
Diversion Type: SECONDARY						
Ditch Name: POST 40F						
71		NESE	33	19N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
72		SWSE	34	19N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
73		NESW	34	19N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
74		SESW	34	19N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
75		SESE	35	19N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: HEADGATE						
Diversion Type: SECONDARY						
Ditch Name: MISSION 21C-3-11						
76	1		2	19N	21W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
77		NESE	12	19N	21W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
78		SESE	12	19N	21W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
79		NWSE	15	19N	21W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Source Name:						
Diversion Means: DAM						
Diversion Type: SECONDARY						
Ditch Name: HILLSIDE DITCH						
80		NWNE	25	19N	21W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: HEADGATE						
Diversion Type: SECONDARY						
Ditch Name: POST 45F-1-B						
81		SENE	25	19N	21W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: HEADGATE						
Diversion Type: SECONDARY						
Ditch Name: POST 45F						
82		NWNW	26	19N	21W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
83		SENE	36	19N	21W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name: MISSION CREEK						
Diversion Means: HEADGATE						
Diversion Type: PRIMARY						
Ditch Name: MISSION H CANAL						

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84		NWSW	4	20N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Flow Rate: 270.00 CFS						
Source Name: LOST CREEK						
Diversion Means: DITCH						
Diversion Type: PRIMARY						
Ditch Name: PABLO FEEDER CANAL						
85		NESW	16	20N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Flow Rate: 270.00 CFS						
Source Name: SOUTH CROW CREEK						
Diversion Means: OTHER						
Diversion Type: PRIMARY						
Ditch Name: PABLO FEEDER CANAL						
86		NENE	19	20N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Flow Rate: 275.00 CFS						
Source Name: SOUTH CROW CREEK						
Diversion Means: DIVERSION DAM						
Diversion Type: PRIMARY						
Ditch Name: SOUTH CROW FEEDER CANAL						
87		NWNE	28	20N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Flow Rate: 220.00 CFS						
Source Name: MOLLMAN CREEK						
Diversion Means: DITCH						
Diversion Type: PRIMARY						
Ditch Name: PABLO FEEDER CANAL						
88		SWSE	28	20N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Flow Rate: 220.00 CFS						
Source Name: MARSH CREEK						
Diversion Means: HEADGATE						
Diversion Type: PRIMARY						
Ditch Name: PABLO FEEDER CANAL						
89		NENE	31	20N	19W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name: MARSH CREEK						
Diversion Means: HEADGATE						
Diversion Type: PRIMARY						
Ditch Name: MARSH CREEK CANAL						
90		NWSE	31	20N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Flow Rate: 250.00 CFS						
Source Name: MARSH CREEK						
Diversion Means: DITCH						
Diversion Type: PRIMARY						
Ditch Name: KICKING HORSE FEEDER CANAL						
91		SESE	33	20N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Flow Rate: 220.00 CFS						
Source Name: EAGLE PASS CREEK						
Diversion Means: DITCH						
Diversion Type: PRIMARY						
Ditch Name: PABLO FEEDER CANAL						
92		NWSE	2	20N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name: SPRING CREEK						
Diversion Means: PUMP						
Diversion Type: PRIMARY						

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93		SENW	5	20N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
94	1		5	20N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
95		NESE	6	20N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
96		SENW	10	20N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
97		SWSW	10	20N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
98		NWNE	11	20N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name: SPRING CREEK						
Diversion Means: PUMP						
Diversion Type: PRIMARY						
99		SWSW	13	20N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name: CROW CREEK						
Diversion Means: PUMP						
Diversion Type: PRIMARY						
100		SWNE	14	20N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
101		SESW	14	20N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name: CROW CREEK						
Diversion Means: PUMP						
Diversion Type: PRIMARY						
102		NESE	16	20N	20W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31					Flow Rate:	22.00 CFS
Source Name: CROW CREEK						
Diversion Means: OTHER						
Diversion Type: PRIMARY						
Ditch Name: CROW PUMP CANAL						

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
103		NESW	31	20N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
104		NWNW	34	20N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: DAM						
Diversion Type: SECONDARY						
Ditch Name: POST C CANAL						
105			36	20N	20W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Source Name:						
Diversion Means: DAM						
Diversion Type: SECONDARY						
Ditch Name: NINEPIPE FEEDER CANAL						
106		NWNE	9	20N	21W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
107			11	20N	21W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Source Name: CROW CREEK						
Diversion Means: DAM						
Diversion Type: PRIMARY						
108		NENW	14	20N	21W	LAKE
Period of Diversion: APRIL 15 TO OCTOBER 15						
Source Name: CROW CREEK						
Diversion Means: DIVERSION DAM						
Diversion Type: PRIMARY						
Ditch Name: MOIESE A CANAL						
Flow Rate: 150.00 CFS						
109		NWNW	16	20N	21W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
110		SWNW	36	20N	21W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
111		SENW	5	21N	19W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name: MUD CREEK						
Diversion Means: OTHER						
Diversion Type: PRIMARY						
Ditch Name: RONAN B CANAL						
Flow Rate: 24.00 CFS						
112		NESE	20	21N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Source Name: ROCK CREEK						
Diversion Means: DITCH						
Diversion Type: PRIMARY						
Ditch Name: PABLO FEEDER CANAL						
Flow Rate: 470.00 CFS						

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113		NWNW	28	21N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						Flow Rate: 470.00 CFS
Source Name:		NORTH CROW CREEK				
Diversion Means:		DIVERSION DAM				
Diversion Type:		PRIMARY				
Ditch Name:		PABLO FEEDER CANAL				
114	1		31	21N	19W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:		SPRING CREEK				
Diversion Means:		PUMP				
Diversion Type:		PRIMARY				
115	6		31	21N	19W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:		SPRING CREEK				
Diversion Means:		PUMP				
Diversion Type:		PRIMARY				
116		NENW	33	21N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						Flow Rate: 270.00 CFS
Source Name:		MIDDLE CROW CREEK				
Diversion Means:		HEADGATE				
Diversion Type:		PRIMARY				
Ditch Name:		PABLO FEEDER CANAL				
117		SESE	17	21N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means:		PUMP				
Diversion Type:		SECONDARY				
118		SWSE	20	21N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means:		PUMP				
Diversion Type:		SECONDARY				
119		NENE	28	21N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means:		PUMP				
Diversion Type:		SECONDARY				
120		NENW	29	21N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means:		PUMP				
Diversion Type:		SECONDARY				
121		SESE	31	21N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means:		PUMP				
Diversion Type:		SECONDARY				
122		NENE	34	21N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:		MUD CREEK				
Diversion Means:		PUMP				
Diversion Type:		PRIMARY				

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123		SWSE	34	21N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name: MUD CREEK						
Diversion Means: PUMP						
Diversion Type: PRIMARY						
124		SWSE	34	21N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name: MUD CREEK						
Diversion Means: PUMP						
Diversion Type: PRIMARY						
125		NWSW	35	21N	20W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: OTHER						
Diversion Type: SECONDARY						
126		SENW	25	21N	21W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
127		NWSE	25	21N	21W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
128		NESE	26	21N	21W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
129		SWNE	34	21N	21W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Source Name:						
Diversion Means: DAM						
Diversion Type: SECONDARY						
Ditch Name: PABLO 71A						
130		NWNE	36	21N	21W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
131		SESE	36	21N	21W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name:						
Diversion Means: PUMP						
Diversion Type: SECONDARY						
132	4		4	22N	19W	LAKE
Period of Diversion: APRIL 15 TO SEPTEMBER 15						
Source Name: HELLROARING CREEK						
Diversion Means: HEADGATE						
Diversion Type: PRIMARY						
Ditch Name: TWIN FEEDER CANAL						
					Flow Rate:	15.00 CFS

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133		NWNW	9	22N	19W	LAKE	
	Period of Diversion: APRIL 15 TO SEPTEMBER 15				Flow Rate:	15.00 CFS	
	Source Name: CENTIPEDE CREEK						
	Diversion Means: DITCH						
	Diversion Type: PRIMARY						
	Ditch Name: TWIN FEEDER CANAL						
134		NENW	16	22N	19W	LAKE	
	Period of Diversion: APRIL 15 TO SEPTEMBER 15				Flow Rate:	8.00 CFS	
	Source Name: BISSON CREEK						
	Diversion Means: DIVERSION DAM						
	Diversion Type: PRIMARY						
	Ditch Name: LOWER TWIN FEEDER CANAL						
135			18	22N	19W	LAKE	
	Period of Diversion: JANUARY 1 TO DECEMBER 31				Flow Rate:	15.00 CFS	
	Source Name:						
	Diversion Means: DAM						
	Diversion Type: SECONDARY						
	Ditch Name: POLSON D CANAL						
136		SENW	28	22N	19W	LAKE	
	Period of Diversion: JANUARY 1 TO DECEMBER 31				Flow Rate:	400.00 CFS	
	Source Name: POIRIER CREEK						
	Diversion Means: DITCH						
	Diversion Type: PRIMARY						
	Ditch Name: PABLO FEEDER CANAL						
137		NWSW	28	22N	19W	LAKE	
	Period of Diversion: JANUARY 1 TO DECEMBER 31				Flow Rate:	400.00 CFS	
	Source Name: ASHLEY CREEK						
	Diversion Means: DITCH						
	Diversion Type: PRIMARY						
	Ditch Name: PABLO FEEDER CANAL						
138		SENE	32	22N	19W	LAKE	
	Period of Diversion: APRIL 15 TO SEPTEMBER 15						
	Source Name: MUD CREEK						
	Diversion Means: HEADGATE						
	Diversion Type: PRIMARY						
	Ditch Name: RONAN B1						
139		SESE	32	22N	19W	LAKE	
	Period of Diversion: JANUARY 1 TO DECEMBER 31				Flow Rate:	470.00 CFS	
	Source Name: COURVILLE CREEK						
	Diversion Means: DITCH						
	Diversion Type: PRIMARY						
	Ditch Name: PABLO FEEDER CANAL						
140		NWNW	33	22N	19W	LAKE	
	Period of Diversion: JANUARY 1 TO DECEMBER 31				Flow Rate:	400.00 CFS	
	Source Name: MUD CREEK						
	Diversion Means: OTHER						
	Diversion Type: PRIMARY						
	Ditch Name: PABLO FEEDER CANAL						
141	3		17	22N	20W	LAKE	
	Period of Diversion: JANUARY 1 TO DECEMBER 31				Flow Rate:	210.00 CFS	
	Source Name: FLATHEAD RIVER						
	Diversion Means: OTHER						
	Diversion Type: PRIMARY						
	Ditch Name: FLATHEAD PUMP CANAL						

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
142		SWNE	27		22N	20W	LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31 Flow Rate: 340.00 CFS

Source Name:

Diversion Means: DAM

Diversion Type: SECONDARY

Ditch Name: PABLO A CANAL

143		12			22N	21W	LAKE
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: FLATHEAD RIVER (IMPOUNDMENTS BEHIND KERR DAM)

Diversion Means: DAM

Diversion Type: PRIMARY

144		NWNE	34		22N	21W	LAKE
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Period of Diversion: APRIL 15 TO SEPTEMBER 15

Source Name:

Diversion Means: PUMP

Diversion Type: SECONDARY

145		NESE	34		22N	21W	LAKE
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Period of Diversion: APRIL 15 TO SEPTEMBER 15

Source Name:

Diversion Means: PUMP

Diversion Type: SECONDARY

146		NWNE	35		22N	21W	LAKE
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Period of Diversion: APRIL 15 TO SEPTEMBER 15

Source Name:

Diversion Means: PUMP

Diversion Type: SECONDARY

WATER DIVERTED AT #1 (N FORK PLACID) IS CONVEYED THROUGH PLACID CANAL TO JOCKO RIVER, MIDDLE FORK WHICH IS USED AS A NATURAL CARRIER TO DIVERSIONS #3 (UPPER JOCKO RESERVOIR) AND #4 (LOWER JOCKO RESERVOIR). WATER PASSED-THROUGH OR IMPOUNDED AT DIVERSIONS #3 (UPPER JOCKO RESERVOIR) AND #4 (LOWER JOCKO RESERVOIR) USES JOCKO RIVER, MIDDLE FORK AS A NATURAL CARRIER TO DIVERSION #2 (TABOR FEEDER). WATER DIVERTED AT #2 (MIDDLE FORK JOCKO), #9 (N FORK JOCKO), #6 (FALLS CR), #7 (S-14 CR) AND #8 (GRIZZLY CR) IS CONVEYED THROUGH TABOR FEEDER CANAL TO DIVERSION #5 (TABOR RESERVOIR). WATER PASSED-THROUGH OR IMPOUNDED AT DIVERSION #5 (TABOR RESERVOIR) USES DRY CREEK (LINING) AS A NATURAL CARRIER TO DIVERSIONS #24 (DC-2), 19 (MISSION F), AND #20 (PABLO FEEDER). WATER DIVERTED AT #23 (COLD CR) IS CONVEYED THROUGH COLD CREEK DITCH TO THE PLACE OF USE. WATER DIVERTED AT #24 (DRY CR) IS CONVEYED THROUGH DC-2 TO THE PLACE OF USE.

WATER DIVERTED AT #19 (DRY CR), #21 (THORNE CR), #22 (SABINE CR) AND #42 (MCCOLLUM CR) IS CONVEYED THROUGH MISSION F CANAL TO THE PLACE OF USE. WATER DIVERTED AT #20 (DRY CR) AND #18 (MIKES CR) IS CONVEYED THROUGH PABLO FEEDER CANAL TO THE PLACE OF USE; TO DIVERSION #16 (PABLO FEEDER AT MISSION CR); AND TO MISSION CREEK WHICH IS USED AS A NATURAL CARRIER TO DIVERSIONS #17 (MISSION B), #41 (TOWN), #40 (MISSION C), #39 (MISSION 6C) AND #83 (MISSION H). WATER PASSED-THROUGH OR IMPOUNDED AT DIVERSION #15 (MISSION RESERVOIR) USES MISSION CREEK AS A NATURAL CARRIER TO DIVERSIONS #17 (MISSION B), #41 (TOWN), #40 (MISSION C), #39 (MISSION 6C), #16 (PABLO FEEDER) AND #83 (MISSION H). WATER DIVERTED AT #17 (MISSION B) IS CONVEYED THROUGH MISSION B CANAL TO THE PLACE OF USE; TO DIVERSION #12 (MISSION B AT N DRY CR); AND TO AN UNNAMED COULEE WHICH IS USED AS A NATURAL CARRIER TO DIVERSION #13 (MISSION 13B-1).

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WATER DIVERTED AT #12 (N DRY CR), #11 (ASHLEY CR), #50 (POISON OAK CR) AND #49 (VALENTINE CR) IS CONVEYED THROUGH MISSION B CANAL TO THE PLACE OF USE. WATER DIVERTED AT #40 (MISSION CR) IS CONVEYED THROUGH MISSION C CANAL TO THE PLACE OF USE; TO DIVERSION #56 (MISSION C AT ASHLEY CR); TO MATT CREEK WHICH IS USED AS A NATURAL CARRIER TO DIVERSION #32 (MISSION 11C-2B) AND PUMP-BACK DIVERSIONS #36 AND #34; TO ASHLEY CREEK WHICH IS USED AS A NATURAL CARRIER TO PUMP-BACK DIVERSIONS #68 AND #67; AND TO MULTIPLE UNNAMED COULEES WHICH ARE USED AS NATURAL CARRIERS TO DIVERSIONS #35 (MISSION 11CX), #38 (MISSION 13C), #37 (MISSION 17C), #30 (MISSION 17C-1), #26 (MISSION 21C), #28 (MISSION 21C-3-1), #27 (MISSION 21C-3-2), #25 (MISSION 21C-3-3), #29 (MISSION 21C-3-5), #75 (MISSION 21C-3-11) AND #45 (MISSION 29C) AND PUMP-BACK DIVERSIONS #31, #74, #33, #71, #72 AND 7#3.

WATER DIVERTED AT #56 (ASHLEY CR) IS CONVEYED THROUGH MISSION C CANAL TO THE PLACE OF USE; TO DIVERSION #51 (MISSION C AT POISON OAK CR); AND TO MULTIPLE UNNAMED COULEES WHICH ARE USED AS NATURAL CARRIER TO DIVERSIONS #54 (MISSION 44C-2), #55 (MISSION 44C-26) AND #53 (MISSION 44C-3). WATER DIVERTED AT #51 (POISON OAK CR) IS CONVEYED THROUGH MISSION C CANAL TO THE PLACE OF USE AND DIVERSION #46 (POST F). WATER DIVERTED AT #16 (MISSION CR), #14 (N DRY CR), #10 (ASHLEY CR), #52 (POISON OAK CR) AND #48 (VALENTINE CR) IS CONVEYED THROUGH PABLO FEEDER CANAL TO THE PLACE OF USE; TO DIVERSION #43 (PABLO FEEDER AT POST CR); AND TO POST CREEK WHICH IS USED AS A NATURAL CARRIER TO DIVERSIONS #44 (KICKING HORSE FEEDER), #46 (POST F) AND #83 (MISSION H). WATER PASSED-THROUGH OR IMPOUNDED AT DIVERSION #47 (MCDONALD RESERVOIR) USES POST CREEK AS A NATURAL CARRIER TO DIVERSIONS #44 (KICKING HORSE FEEDER), #46 (POST F), 83 (MISSION H) AND #43 (PABLO FEEDER).

WATER DIVERTED AT #44 (POST CR) IS CONVEYED THROUGH KICKING HORSE FEEDER CANAL TO THE PLACE OF USE AND DIVERSION #90 (KICKING HORSE FEEDER AT MARSH CR). WATER DIVERTED AT #46 (POST CR) IS CONVEYED THROUGH POST F CANAL TO THE PLACE OF USE; TO DIVERSION #79 (HILLSIDE RESERVOIR); AND TO MULTIPLE UNNAMED COULEES WHICH ARE USED AS NATURAL CARRIER TO DIVERSIONS #66 (POST 21F), #62 (POST 22F), #63 (POST 24F), #69 (POST 33F), #70 (POST 40F), 80 (POST 45F-1-B) AND #81 (POST 45F) AND PUMP-BACK DIVERSIONS #65, #64 AND #82. WATER DIVERTED AT #43 (POST CR) AND #91 (EAGLE PASS CR) IS CONVEYED THROUGH PABLO FEEDER CANAL TO DIVERSION #88 (PABLO FEEDER AT MARSH CR) AND MARSH CREEK WHICH IS USED AS A NATURAL CARRIER TO DIVERSIONS #90 (KICKING HORSE FEEDER) AND #89 (MARSH CR CANAL). WATER DIVERTED AT #90 (MARSH CR) IS CONVEYED THROUGH KICKING HORSE FEEDER CANAL TO DIVERSION #105 (KICKING HORSE RESERVOIR).

WATER PASSED-THROUGH OR IMPOUNDED AT DIVERSION #105 (KICKING HORSE RESERVOIR) IS CONVEYED THROUGH NINEPIPE FEEDER CANAL TO DIVERSION #104 (NINEPIPE RESERVOIR) AND THROUGH POST A CANAL AND POST G CANAL TO THE PLACE OF USE AND AN UNNAMED COULEE WHICH IS USED AS A NATURAL CARRIER TO PUMP-BACK DIVERSION #58. WATER PASSED-THROUGH OR IMPOUNDED AT DIVERSION #104 (NINEPIPE RESERVOIR) IS CONVEYED THROUGH POST C CANAL AND POST D CANAL TO THE PLACE OF USE; TO DUBLIN GULCH WHICH IS USED AS A NATURAL CARRIER TO DIVERSION #61 (DUBLIN DITCH); TO COLEMAN COULEE WHICH IS USED AS A NATURAL CARRIER TO DIVERSION #79 (HILLSIDE RESERVOIR) AND PUMP-BACK DIVERSIONS #110 AND #76; AND TO MULTIPLE UNNAMED COULEES WHICH ARE USED AS NATURAL CARRIER TO PUMP-BACK DIVERSIONS #57, #103, #77, #78, #59, #60.

WATER DIVERTED AT #61 (DUBLIN GULCH) IS CONVEYED THROUGH DUBLIN DITCH AND POST F CANAL TO THE PLACE OF USE; TO DIVERSION #79 (HILLSIDE RESERVOIR); AND TO MULTIPLE UNNAMED COULEES WHICH ARE USED AS NATURAL CARRIERS TO DIVERSIONS #70 (POST 40F), #80 (POST 45F-1-B) AND #81 (POST 45F) AND PUMP-BACK DIVERSION #82. WATER PASSED-THROUGH OR IMPOUNDED AT DIVERSION #79 (HILLSIDE RESERVOIR) IS CONVEYED THROUGH HILLSIDE DITCH AND MOIESE A CANAL TO THE PLACE OF USE. WATER DIVERTED AT #89 (MARSH CR) IS CONVEYED THROUGH MARSH CREEK CANAL TO THE PLACE OF USE. WATER DIVERTED AT #88 (MARSH CR) AND #87 (MOLLMAN CR) IS CONVEYED THROUGH PABLO FEEDER CANAL TO THE PLACE OF USE; TO DIVERSION #85 (PABLO FEEDER AT S CROW CR) AND SOUTH CROW CREEK (CROW CREEK) WHICH IS USED AS A NATURAL CARRIER TO DIVERSIONS #86 (S CROW FEEDER), #102 (CROW PUMP) AND #107 (LOWER CROW RESERVOIR) AND PUMP-BACK DIVERSIONS #99 AND #101.

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WATER DIVERTED AT #86 (S CROW CR) IS CONVEYED THROUGH SOUTH CROW FEEDER CANAL TO DIVERSION #105 (KICKING HORSE RESERVOIR). WATER DIVERTED AT #102 (CROW CR) IS CONVEYED THROUGH CROW PUMP CANAL AND POST A CANAL TO THE PLACE OF USE AND DIVERSION #104 (NINEPIPE RESERVOIR). WATER PASSED-THROUGH OR IMPOUNDED AT DIVERSION #107 (LOWER CROW RESERVOIR) USES CROW CREEK AS A NATURAL CARRIER TO DIVERSION #108 (MOIESE A). WATER DIVERTED AT #108 IS CONVEYED THROUGH MOIESE A CANAL TO THE PLACE OF USE. WATER DIVERTED AT #85 (S CROW CR), #84 (LOST CR), #116 (MIDDLE CROW), #113 (N CROW CR), AND #112 (ROCK CR) IS CONVEYED THROUGH PABLO FEEDER CANAL TO THE PLACE OF USE; TO DIVERSION #139 (PABLO FEEDER AT COURVILLE CR); AND THROUGH RONAN A CANAL TO THE PLACE OF USE, TO RONAN SPRING CREEK WHICH IS USED AS A NATURAL CARRIER TO PUMP-BACK DIVERSIONS #114, #115, #92 AND #98 AND TO AN UNNAMED COULEE WHICH IS USED AS A NATURAL CARRIER TO PUMP-BACK DIVERSION #100.

WATER DIVERTED AT #139 (COURVILLE CR) IS CONVEYED THROUGH PABLO FEEDER CANAL TO DIVERSION #140 (PABLO FEEDER AT MUD CR) AND MUD CREEK WHICH IS USED AS A NATURAL CARRIER TO DIVERSIONS #138 (RONAN B1) AND #111 (RONAN B) AND PUMP-BACK DIVERSIONS #122, #123 AND #124. WATER DIVERTED AT #138 (MUD CR) IS CONVEYED THROUGH RONAN B1 TO THE PLACE OF USE. WATER DIVERTED AT #111 (MUD CR) IS CONVEYED THROUGH RONAN B CANAL TO THE PLACE OF USE AND MULTIPLE UNNAMED COULEES WHICH ARE USED AS NATURAL CARRIERS TO PUMP-BACK DIVERSIONS #125, #96 AND #97. WATER DIVERTED AT #140 (MUD CR), #137 (N ASHLEY CR), AND #136 (POIRIER CR) IS CONVEYED THROUGH PABLO FEEDER CANAL TO THE PLACE OF USE; THROUGH FLATHEAD PUMP CANAL TO DIVERSION #142 (PABLO RESERVOIR); AND THROUGH POLSON Z CANAL AND POLSON C CANAL TO THE PLACE OF USE.

WATER IN FLATHEAD RIVER OR IMPOUNDED AT DIVERSION #143 (KERR DAM) IS DIVERTED AT #141 (FLATHEAD PUMP) AND CONVEYED THROUGH FLATHEAD PUMP CANAL AND POLSON C CANAL TO THE PLACE OF USE; THROUGH PABLO FEEDER CANAL TO THE PLACE OF USE AND DIVERSION #142 (PABLO RESERVOIR). WATER PASSED-THROUGH OR IMPOUNDED AT DIVERSION #142 (PABLO RESERVOIR) IS CONVEYED THROUGH PABLO A CANAL TO THE PLACE OF USE; TO HOPKINS DRAW WHICH IS USED AS A NATURAL CARRIER TO DIVERSION #129 (HORTE RESERVOIR); TO WEST MILLER COULEE WHICH IS USED AS A NATURAL CARRIER TO PUMP-BACK DIVERSIONS #117, #119, #94, #93 AND #95; TO WALCHUCK COULEE WHICH IS USED AS A NATURAL CARRIER TO PUMP-BACK DIVERSIONS #127, #130 AND #131; AND TO MULTIPLE UNNAMED COULEES WHICH ARE USED AS NATURAL CARRIERS TO PUMP-BACK DIVERSIONS #118, #120, #121, #128, #126, #146, #145 AND #144.

WATER PASSED-THROUGH OR IMPOUNDED AT DIVERSION #129 (HORTE RESERVOIR) USES HOPKINS DRAW AS A NATURAL CARRIER TO PUMP-BACK DIVERSION #106 AND IS CONVEYED THROUGH PABLO 71A TO THE PLACE OF USE AND AN UNNAMED COULEE WHICH IS USED AS A NATURAL CARRIER TO PUMP-BACK DIVERSION #109. WATER DIVERTED AT #134 (BISSON CR) IS CONVEYED THROUGH LOWER TWIN FEEDER CANAL TO DIVERSION #135 (TURTLE RESERVOIR). WATER DIVERTED AT #132 (HELLROARING CR) AND #133 (CENTIPEDE CR) IS CONVEYED TO THE PLACE OF USE AND DIVERSION #135 (TURTLE RESERVOIR). WATER PASSED-THROUGH OR IMPOUNDED AT DIVERSION #135 (TURTLE RESERVOIR) IS CONVEYED THROUGH POLSON D CANAL AND POLSON B CANAL TO THE PLACE OF USE.

THE MEANS OF DIVERSION FOR #20, #16, #85, #140, AND #111 IS HEADWORKS.

THE MEANS OF DIVERSION FOR #102 IS DIVERSION DAM WITH PUMPING PLANT.

THE MEANS OF DIVERSION FOR #125 IS PUMP AND PIT.

THE MEANS OF DIVERSION FOR #141 IS PUMPING PLANT AND PENSTOCK.

SECONDARY POINT OF DIVERSION WATER SOURCES ARE A MIX OF RELEASES FROM THE PRIMARY POINTS OF DIVERSION.

UPPER JOCKO RESERVOIR IS ALSO SUPPLIED BY DIVERSION #1 (N FK PLACID CR).

LOWER JOCKO RESERVOIR IS ALSO SUPPLIED BY DIVERSION #1 (N FK PLACID CR).

TABOR RESERVOIR IS ALSO SUPPLIED BY DIVERSION #1 (N FK PLACID CR), #2 (TABOR FEEDER AT MDL FK JOCKO R), #9 (TABOR FEEDER AT N FK JOCKO R), #6 (TABOR FEEDER AT FALLS CR), #7 (TABOR FEEDER AT S-14 CR), AND #8 (TABOR FEEDER AT GRIZZLY CR).

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HILLSIDE RESERVOIR IS ALSO SUPPLIED BY DIVERSION #1 (N FK PLACID CR), #2 (TABOR FEEDER AT MDL FK JOCKO R), #9 (TABOR FEEDER AT N FK JOCKO R), #6 (TABOR FEEDER AT FALLS CR), #7 (TABOR FEEDER AT S-14 CR), #8 (TABOR FEEDER AT GRIZZLY CR), #20 (PABLO FEEDER AT DRY CR), #18 (PABLO FEEDER AT MIKES CR), #16 (PABLO FEEDER AT MISSION CR), #14 (PABLO FEEDER AT N DRY CR), #10 (PABLO FEEDER AT ASHLEY CR), #52 (PABLO FEEDER AT POISON OAK CR), AND #48 (PABLO FEEDER AT VALENTINE CR).

WATER IN HILLSIDE RESERVOIR IS IMPOUNDED AT DIVERSION #79.

KICKING HORSE RESERVOIR IS ALSO SUPPLIED BY DIVERSION #1 (N FK PLACID CR), 2 (TABOR FEEDER AT MDL FK JOCKO R), 9 (TABOR FEEDER AT N FK JOCKO R), 6 (TABOR FEEDER AT FALLS CR), 7 (TABOR FEEDER AT S-14 CR), 8 (TABOR FEEDER AT GRIZZLY CR), 20 (PABLO FEEDER AT DRY CR), 18 (PABLO FEEDER AT MIKES CR), 16 (PABLO FEEDER AT MISSION CR), 14 (PABLO FEEDER AT N DRY CR), 10 (PABLO FEEDER AT ASHLEY CR), 52 (PABLO FEEDER AT POISON OAK CR), 48 (PABLO FEEDER AT VALENTINE CR), 44 (KICKING HORSE FEEDER AT POST CR), 91 (PABLO FEEDER AT EAGLE PASS CR), AND 90 (KICKING HORSE FEEDER AT MARSH CR).

WATER IN KICKING HORSE RESERVOIR IS IMPOUNDED AT DIVERSION #105.

NINEPIPE RESERVOIR IS ALSO SUPPLIED BY DIVERSION #1 (N FK PLACID CR), #2 (TABOR FEEDER AT MDL FK JOCKO R), #9 (TABOR FEEDER AT N FK JOCKO R), #6 (TABOR FEEDER AT FALLS CR), #7 (TABOR FEEDER AT S-14 CR), #8 (TABOR FEEDER AT GRIZZLY CR), #20 (PABLO FEEDER AT DRY CR), #18 (PABLO FEEDER AT MIKES CR), #16 (PABLO FEEDER AT MISSION CR), #14 (PABLO FEEDER AT N DRY CR), #10 (PABLO FEEDER AT ASHLEY CR), #52 (PABLO FEEDER AT POISON OAK CR), #48 (PABLO FEEDER AT VALENTINE CR), #44 (KICKING HORSE FEEDER AT POST CR), #91 (PABLO FEEDER AT EAGLE PASS CR), #90 (KICKING HORSE FEEDER AT MARSH CR), AND #86 (S CROW FEEDER CANAL AT S CROW CR).

WATER IN NINEPIPE RESERVOIR IS IMPOUNDED AT DIVERSION #104.

LOWER CROW RESERVOIR IS ALSO SUPPLIED BY DIVERSION #1 (N FK PLACID CR), #2 (TABOR FEEDER AT MDL FK JOCKO R), #9 (TABOR FEEDER AT N FK JOCKO R), #6 (TABOR FEEDER AT FALLS CR), #7 (TABOR FEEDER AT S-14 CR), #8 (TABOR FEEDER AT GRIZZLY CR), #20 (PABLO FEEDER AT DRY CR), #18 (PABLO FEEDER AT MIKES CR), #16 (PABLO FEEDER AT MISSION CR), #14 (PABLO FEEDER AT N DRY CR), #10 (PABLO FEEDER AT ASHLEY CR), #52 (PABLO FEEDER AT POISON OAK CR), #48 (PABLO FEEDER AT VALENTINE CR), #43 (PABLO FEEDER AT POST CR), #91 (PABLO FEEDER AT EAGLE PASS CR), #88 (PABLO FEEDER AT MARSH CR), AND #87 (PABLO FEEDER AT MOLLMAN CR).

PABLO RESERVOIR IS ALSO SUPPLIED BY DIVERSION #1 (N FK PLACID CR), #2 (TABOR FEEDER AT MDL FK JOCKO R), #9 (TABOR FEEDER AT N FK JOCKO R), #6 (TABOR FEEDER AT FALLS CR), #7 (TABOR FEEDER AT S-14 CR), #8 (TABOR FEEDER AT GRIZZLY CR), #20 (PABLO FEEDER AT DRY CR), #18 (PABLO FEEDER AT MIKES CR), #16 (PABLO FEEDER AT MISSION CR), #14 (PABLO FEEDER AT N DRY CR), #10 (PABLO FEEDER AT ASHLEY CR), #52 (PABLO FEEDER AT POISON OAK CR), #48 (PABLO FEEDER AT VALENTINE CR), #43 (PABLO FEEDER AT POST CR), #91 (PABLO FEEDER AT EAGLE PASS CR), #88 (PABLO FEEDER AT MARSH CR), #87 (PABLO FEEDER AT MOLLMAN CR), #85 (PABLO FEEDER AT S CROW CR), #84 (PABLO FEEDER AT LOST CR), #116 (PABLO FEEDER AT MDL CROW CR), #113 (PABLO FEEDER AT N CROW CR), #112 (PABLO FEEDER AT ROCK CR), #139 (PABLO FEEDER AT COURVILLE CR), #140 (PABLO FEEDER AT MUD CR), #137 (PABLO FEEDER AT N ASHLEY CR), #136 (PABLO FEEDER AT POIRIER CR) AND #143 (KERR DAM).

WATER IN PABLO RESERVOIR IS IMPOUNDED AT DIVERSION #142.

HORTE RESERVOIR IS ALSO SUPPLIED BY DIVERSION #1 (N FK PLACID CR), #2 (TABOR FEEDER AT MDL FK JOCKO R), #9 (TABOR FEEDER AT N FK JOCKO R), #6 (TABOR FEEDER AT FALLS CR), #7 (TABOR FEEDER AT S-14 CR), #8 (TABOR FEEDER AT GRIZZLY CR), #20 (PABLO FEEDER AT DRY CR), #18 (PABLO FEEDER AT MIKES CR), #16 (PABLO FEEDER AT MISSION CR), #14 (PABLO FEEDER AT N DRY CR), #10 (PABLO FEEDER AT ASHLEY CR), #52 (PABLO FEEDER AT POISON OAK CR), #48 (PABLO FEEDER AT VALENTINE CR), #43 (PABLO FEEDER AT POST CR), #91 (PABLO FEEDER AT EAGLE PASS CR), #88 (PABLO FEEDER AT MARSH CR), #87 (PABLO FEEDER AT MOLLMAN CR), #85 (PABLO FEEDER AT S CROW CR), #84 (PABLO FEEDER AT LOST CR), #116 (PABLO FEEDER AT MDL CROW CR), #113 (PABLO FEEDER AT N CROW CR), #112 (PABLO FEEDER AT ROCK CR), #139 (PABLO FEEDER AT COURVILLE CR), #140 (PABLO FEEDER AT MUD CR), #137 (PABLO FEEDER AT N ASHLEY CR), #141 (FLATHEAD PMP AT FLATHEAD R), AND #143 (KERR DAM).

WATER IN HORTE RESERVOIR IS IMPOUNDED AT DIVERSION #129.

TURTLE RESERVOIR IS ALSO SUPPLIED BY DIVERSION #132 (TWIN FDR AT HELLROARING CR) AND #134 (LWR TWIN FDR AT BISSON CR).

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WATER IN TURTLE RESERVOIR IS IMPOUNDED AT DIVERSION #135.						
Reservoir:	ON STREAM	Reservoir Name UPPER JOCKO RESERVOIR				
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		SENW	26	17N	17W	MISSOULA
Diversion to Reservoir: DIVERSION # 3						
Dam Height: 75.00 FEET						
Surface Area: 165.00 ACRES						
Current Capacity: 5,200.00 ACRE-FEET						
Reservoir:	ON STREAM	Reservoir Name LOWER JOCKO RESERVOIR				
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		SENE	28	17N	17W	MISSOULA
Diversion to Reservoir: DIVERSION # 4						
Dam Height: 20.00 FEET						
Surface Area: 130.00 ACRES						
Current Capacity: 6,497.00 ACRE-FEET						
Reservoir:	ON STREAM	Reservoir Name TABOR (ST. MARY'S) RESERVOIR				
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		2	6	17N	18W	LAKE
Diversion to Reservoir: DIVERSION # 5						
Dam Height: 53.00 FEET						
Surface Area: 285.00 ACRES						
Current Capacity: 23,200.00 ACRE-FEET						
Reservoir:	ON STREAM	Reservoir Name MISSION RESERVOIR				
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		4	16	18N	19W	LAKE
Diversion to Reservoir: DIVERSION # 15						
Dam Height: 83.00 FEET						
Surface Area: 290.00 ACRES						
Current Capacity: 7,250.00 ACRE-FEET						
Reservoir:	OFF STREAM	Reservoir Name HILLSIDE RESERVOIR				
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		SWSW	7	19N	19W	LAKE
Diversion to Reservoir: DIVERSION # 46						
Dam Height: 30.00 FEET						
Surface Area: 11.00 ACRES						
Current Capacity: 95.00 ACRE-FEET						
Reservoir:	ON STREAM	Reservoir Name MCDONALD RESERVOIR				
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		1	10	19N	19W	LAKE
Diversion to Reservoir: DIVERSION # 47						
Dam Height: 48.00 FEET						
Surface Area: 200.00 ACRES						
Current Capacity: 8,200.00 ACRE-FEET						
Reservoir:	OFF STREAM	Reservoir Name KICKING HORSE RESERVOIR				
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		NENE	19	20N	19W	LAKE
Diversion to Reservoir: DIVERSION # 86						
Dam Height: 29.00 FEET						
Surface Area: 800.00 ACRES						
Current Capacity: 8,400.00 ACRE-FEET						
Reservoir:	OFF STREAM	Reservoir Name NINEPIPE RESERVOIR				
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		NESE	16	20N	20W	LAKE
Diversion to Reservoir: DIVERSION # 102						
Dam Height: 38.00 FEET						
Surface Area: 1,550.00 ACRES						
Current Capacity: 15,000.00 ACRE-FEET						

Reservoir: ON STREAM Reservoir Name LOWER CROW RESERVOIR
Govt Lot Qtr Sec Sec Twp Rge County
11 20N 21W LAKE

Diversion to Reservoir: DIVERSION # 107

Dam Height: 99.00 FEET

Surface Area: 345.00 ACRES

Current Capacity: 10,350.00 ACRE-FEET

Reservoir: OFF STREAM Reservoir Name TURTLE (TWIN) RESERVOIR
Govt Lot Qtr Sec Sec Twp Rge County
NWNW 9 22N 19W LAKE

Diversion to Reservoir: DIVERSION # 133

Dam Height: 20.00 FEET

Surface Area: 65.00 ACRES

Current Capacity: 1,900.00 ACRE-FEET

Reservoir: OFF STREAM Reservoir Name HORTE RESERVOIR
Govt Lot Qtr Sec Sec Twp Rge County
SENW 28 22N 19W LAKE

Diversion to Reservoir: DIVERSION # 136

Dam Height: 16.00 FEET

Surface Area: 173.00 ACRES

Current Capacity: 260.00 ACRE-FEET

Reservoir: OFF STREAM Reservoir Name PABLO RESERVOIR
Govt Lot Qtr Sec Sec Twp Rge County
3 17 22N 20W LAKE

Diversion to Reservoir: DIVERSION # 141

Dam Height: 43.00 FEET

Surface Area: 205.00 ACRES

Current Capacity: 27,100.00 ACRE-FEET

SEE THE ATTACHED RESERVOIR DIAGRAMS.

Period of Use: APRIL 15 to OCTOBER 15

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1				3	18N	19W	LAKE
2				4	18N	19W	LAKE
3				5	18N	19W	LAKE
4				6	18N	19W	LAKE
5				7	18N	19W	LAKE
6				8	18N	19W	LAKE
7				9	18N	19W	LAKE
8				10	18N	19W	LAKE
9				16	18N	19W	LAKE
10				17	18N	19W	LAKE
11				18	18N	19W	LAKE
12				19	18N	19W	LAKE
13				20	18N	19W	LAKE
14				21	18N	19W	LAKE
15				28	18N	19W	LAKE
16				29	18N	19W	LAKE
17				30	18N	19W	LAKE
18				31	18N	19W	LAKE
19				32	18N	19W	LAKE
20				33	18N	19W	LAKE
21				34	18N	19W	LAKE
22				1	18N	20W	LAKE
23				2	18N	20W	LAKE
24				3	18N	20W	LAKE
25				4	18N	20W	LAKE
26				10	18N	20W	LAKE
27				11	18N	20W	LAKE
28				12	18N	20W	LAKE
29				13	18N	20W	LAKE
30				14	18N	20W	LAKE
31				15	18N	20W	LAKE
32				22	18N	20W	LAKE
33				23	18N	20W	LAKE
34				24	18N	20W	LAKE
35				25	18N	20W	LAKE

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
36				26	18N	20W	LAKE
37				36	18N	20W	LAKE
38				4	18N	21W	SANDERS
39				5	18N	21W	SANDERS
40				8	18N	21W	SANDERS
41				9	18N	21W	SANDERS
42				17	18N	21W	SANDERS
43				4	19N	19W	LAKE
44				5	19N	19W	LAKE
45				6	19N	19W	LAKE
46				7	19N	19W	LAKE
47				8	19N	19W	LAKE
48				9	19N	19W	LAKE
49				16	19N	19W	LAKE
50				17	19N	19W	LAKE
51				18	19N	19W	LAKE
52				19	19N	19W	LAKE
53				20	19N	19W	LAKE
54				21	19N	19W	LAKE
55				28	19N	19W	LAKE
56				29	19N	19W	LAKE
57				30	19N	19W	LAKE
58				31	19N	19W	LAKE
59				32	19N	19W	LAKE
60				33	19N	19W	LAKE
61				1	19N	20W	LAKE
62				2	19N	20W	LAKE
63				3	19N	20W	LAKE
64				4	19N	20W	LAKE
65				5	19N	20W	LAKE
66				6	19N	20W	LAKE
67				7	19N	20W	LAKE
68				8	19N	20W	LAKE
69				9	19N	20W	LAKE
70				10	19N	20W	LAKE
71				11	19N	20W	LAKE
72				12	19N	20W	LAKE
73				13	19N	20W	LAKE
74				14	19N	20W	LAKE
75				15	19N	20W	LAKE
76				16	19N	20W	LAKE
77				17	19N	20W	LAKE
78				18	19N	20W	LAKE
79				19	19N	20W	LAKE
80				20	19N	20W	LAKE
81				21	19N	20W	LAKE
82				22	19N	20W	LAKE
83				23	19N	20W	LAKE
84				24	19N	20W	LAKE
85				25	19N	20W	LAKE
86				26	19N	20W	LAKE
87				27	19N	20W	LAKE
88				28	19N	20W	LAKE
89				29	19N	20W	LAKE
90				30	19N	20W	LAKE
91				32	19N	20W	LAKE
92				33	19N	20W	LAKE
93				34	19N	20W	LAKE
94				35	19N	20W	LAKE
95				36	19N	20W	LAKE
96				1	19N	21W	LAKE
97				2	19N	21W	LAKE
98				3	19N	21W	LAKE
99				4	19N	21W	LAKE
100				5	19N	21W	LAKE
101				6	19N	21W	LAKE
102				7	19N	21W	LAKE
103				8	19N	21W	LAKE
104				9	19N	21W	LAKE
105				10	19N	21W	LAKE
106				11	19N	21W	LAKE
107				12	19N	21W	LAKE

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
108				13	19N	21W	LAKE
109				14	19N	21W	LAKE
110				15	19N	21W	LAKE
111				16	19N	21W	LAKE
112				17	19N	21W	LAKE
113				18	19N	21W	LAKE
114				19	19N	21W	LAKE
115				20	19N	21W	LAKE
116				21	19N	21W	LAKE
117				22	19N	21W	LAKE
118				23	19N	21W	LAKE
119				24	19N	21W	LAKE
120				25	19N	21W	LAKE
121				26	19N	21W	LAKE
122				27	19N	21W	LAKE
123				28	19N	21W	LAKE
124				29	19N	21W	LAKE
125				30	19N	21W	LAKE
126				32	19N	21W	LAKE
127				33	19N	21W	LAKE
128				34	19N	21W	LAKE
129				35	19N	21W	LAKE
130				1	19N	22W	LAKE
131				12	19N	22W	LAKE
132				13	19N	22W	LAKE
133				23	19N	22W	LAKE
134				24	19N	22W	LAKE
135				25	19N	22W	LAKE
136				4	20N	19W	LAKE
137				5	20N	19W	LAKE
138				6	20N	19W	LAKE
139				7	20N	19W	LAKE
140				8	20N	19W	LAKE
141				9	20N	19W	LAKE
142				16	20N	19W	LAKE
143				17	20N	19W	LAKE
144				18	20N	19W	LAKE
145				19	20N	19W	LAKE
146				20	20N	19W	LAKE
147				21	20N	19W	LAKE
148				28	20N	19W	LAKE
149				29	20N	19W	LAKE
150				30	20N	19W	LAKE
151				31	20N	19W	LAKE
152				32	20N	19W	LAKE
153				33	20N	19W	LAKE
154				1	20N	20W	LAKE
155				2	20N	20W	LAKE
156				3	20N	20W	LAKE
157				4	20N	20W	LAKE
158				5	20N	20W	LAKE
159				6	20N	20W	LAKE
160				7	20N	20W	LAKE
161				8	20N	20W	LAKE
162				9	20N	20W	LAKE
163				10	20N	20W	LAKE
164				11	20N	20W	LAKE
165				12	20N	20W	LAKE
166				13	20N	20W	LAKE
167				14	20N	20W	LAKE
168				15	20N	20W	LAKE
169				16	20N	20W	LAKE
170				17	20N	20W	LAKE
171				18	20N	20W	LAKE
172				19	20N	20W	LAKE
173				20	20N	20W	LAKE
174				21	20N	20W	LAKE
175				22	20N	20W	LAKE
176				23	20N	20W	LAKE
177				24	20N	20W	LAKE
178				25	20N	20W	LAKE
179				26	20N	20W	LAKE

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
180				27	20N	20W	LAKE
181				28	20N	20W	LAKE
182				29	20N	20W	LAKE
183				30	20N	20W	LAKE
184				31	20N	20W	LAKE
185				32	20N	20W	LAKE
186				33	20N	20W	LAKE
187				34	20N	20W	LAKE
188				35	20N	20W	LAKE
189				36	20N	20W	LAKE
190				1	20N	21W	LAKE
191				2	20N	21W	LAKE
192				3	20N	21W	LAKE
193				4	20N	21W	LAKE
194				5	20N	21W	LAKE
195				6	20N	21W	LAKE
196				7	20N	21W	LAKE
197				8	20N	21W	LAKE
198				9	20N	21W	LAKE
199				10	20N	21W	LAKE
200				11	20N	21W	LAKE
201				12	20N	21W	LAKE
202				13	20N	21W	LAKE
203				14	20N	21W	LAKE
204				15	20N	21W	LAKE
205				16	20N	21W	LAKE
206				17	20N	21W	LAKE
207				18	20N	21W	LAKE
208				20	20N	21W	LAKE
209				21	20N	21W	LAKE
210				22	20N	21W	LAKE
211				23	20N	21W	LAKE
212				24	20N	21W	LAKE
213				25	20N	21W	LAKE
214				26	20N	21W	LAKE
215				27	20N	21W	LAKE
216				28	20N	21W	LAKE
217				29	20N	21W	LAKE
218				31	20N	21W	LAKE
219				32	20N	21W	LAKE
220				33	20N	21W	LAKE
221				34	20N	21W	LAKE
222				35	20N	21W	LAKE
223				36	20N	21W	LAKE
224				1	20N	22W	LAKE
225				2	20N	22W	LAKE
226				11	20N	22W	LAKE
227				12	20N	22W	LAKE
228				13	20N	22W	LAKE
229				14	20N	22W	LAKE
230				5	21N	19W	LAKE
231				6	21N	19W	LAKE
232				7	21N	19W	LAKE
233				8	21N	19W	LAKE
234				16	21N	19W	LAKE
235				17	21N	19W	LAKE
236				18	21N	19W	LAKE
237				19	21N	19W	LAKE
238				20	21N	19W	LAKE
239				28	21N	19W	LAKE
240				29	21N	19W	LAKE
241				30	21N	19W	LAKE
242				31	21N	19W	LAKE
243				32	21N	19W	LAKE
244				33	21N	19W	LAKE
245				1	21N	20W	LAKE
246				2	21N	20W	LAKE
247				3	21N	20W	LAKE
248				4	21N	20W	LAKE
249				5	21N	20W	LAKE
250				6	21N	20W	LAKE
251				7	21N	20W	LAKE

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
252				8	21N	20W	LAKE
253				9	21N	20W	LAKE
254				10	21N	20W	LAKE
255				11	21N	20W	LAKE
256				12	21N	20W	LAKE
257				13	21N	20W	LAKE
258				14	21N	20W	LAKE
259				15	21N	20W	LAKE
260				16	21N	20W	LAKE
261				17	21N	20W	LAKE
262				18	21N	20W	LAKE
263				19	21N	20W	LAKE
264				20	21N	20W	LAKE
265				21	21N	20W	LAKE
266				22	21N	20W	LAKE
267				23	21N	20W	LAKE
268				24	21N	20W	LAKE
269				25	21N	20W	LAKE
270				26	21N	20W	LAKE
271				27	21N	20W	LAKE
272				28	21N	20W	LAKE
273				29	21N	20W	LAKE
274				30	21N	20W	LAKE
275				31	21N	20W	LAKE
276				32	21N	20W	LAKE
277				33	21N	20W	LAKE
278				34	21N	20W	LAKE
279				35	21N	20W	LAKE
280				36	21N	20W	LAKE
281				1	21N	21W	LAKE
282				2	21N	21W	LAKE
283				3	21N	21W	LAKE
284				4	21N	21W	LAKE
285				5	21N	21W	LAKE
286				6	21N	21W	LAKE
287				8	21N	21W	LAKE
288				9	21N	21W	LAKE
289				10	21N	21W	LAKE
290				11	21N	21W	LAKE
291				12	21N	21W	LAKE
292				13	21N	21W	LAKE
293				14	21N	21W	LAKE
294				15	21N	21W	LAKE
295				16	21N	21W	LAKE
296				20	21N	21W	LAKE
297				21	21N	21W	LAKE
298				22	21N	21W	LAKE
299				23	21N	21W	LAKE
300				24	21N	21W	LAKE
301				25	21N	21W	LAKE
302				26	21N	21W	LAKE
303				27	21N	21W	LAKE
304				28	21N	21W	LAKE
305				29	21N	21W	LAKE
306				30	21N	21W	LAKE
307				31	21N	21W	LAKE
308				32	21N	21W	LAKE
309				33	21N	21W	LAKE
310				34	21N	21W	LAKE
311				35	21N	21W	LAKE
312				36	21N	21W	LAKE
313				4	22N	19W	LAKE
314				5	22N	19W	LAKE
315				6	22N	19W	LAKE
316				7	22N	19W	LAKE
317				8	22N	19W	LAKE
318				9	22N	19W	LAKE
319				16	22N	19W	LAKE
320				17	22N	19W	LAKE
321				18	22N	19W	LAKE
322				19	22N	19W	LAKE
323				20	22N	19W	LAKE

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
324				21	22N	19W	LAKE
325				28	22N	19W	LAKE
326				29	22N	19W	LAKE
327				30	22N	19W	LAKE
328				31	22N	19W	LAKE
329				32	22N	19W	LAKE
330				33	22N	19W	LAKE
331				1	22N	20W	LAKE
332				2	22N	20W	LAKE
333				3	22N	20W	LAKE
334				8	22N	20W	LAKE
335				9	22N	20W	LAKE
336				10	22N	20W	LAKE
337				11	22N	20W	LAKE
338				12	22N	20W	LAKE
339				13	22N	20W	LAKE
340				14	22N	20W	LAKE
341				15	22N	20W	LAKE
342				16	22N	20W	LAKE
343				17	22N	20W	LAKE
344				18	22N	20W	LAKE
345				19	22N	20W	LAKE
346				20	22N	20W	LAKE
347				21	22N	20W	LAKE
348				22	22N	20W	LAKE
349				23	22N	20W	LAKE
350				24	22N	20W	LAKE
351				25	22N	20W	LAKE
352				26	22N	20W	LAKE
353				27	22N	20W	LAKE
354				28	22N	20W	LAKE
355				29	22N	20W	LAKE
356				30	22N	20W	LAKE
357				31	22N	20W	LAKE
358				32	22N	20W	LAKE
359				33	22N	20W	LAKE
360				34	22N	20W	LAKE
361				35	22N	20W	LAKE
362				36	22N	20W	LAKE
363				13	22N	21W	LAKE
364				14	22N	21W	LAKE
365				15	22N	21W	LAKE
366				19	22N	21W	LAKE
367				20	22N	21W	LAKE
368				21	22N	21W	LAKE
369				22	22N	21W	LAKE
370				23	22N	21W	LAKE
371				24	22N	21W	LAKE
372				25	22N	21W	LAKE
373				26	22N	21W	LAKE
374				27	22N	21W	LAKE
375				28	22N	21W	LAKE
376				29	22N	21W	LAKE
377				30	22N	21W	LAKE
378				31	22N	21W	LAKE
379				32	22N	21W	LAKE
380				33	22N	21W	LAKE
381				34	22N	21W	LAKE
382				35	22N	21W	LAKE
383				36	22N	21W	LAKE

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS
SHARE THE SAME POINT OF DIVERSION.

30052929 30052931 30052932

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME RESERVOIR.

30052931 30052932

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME RESERVOIR.

30052929 30052932

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

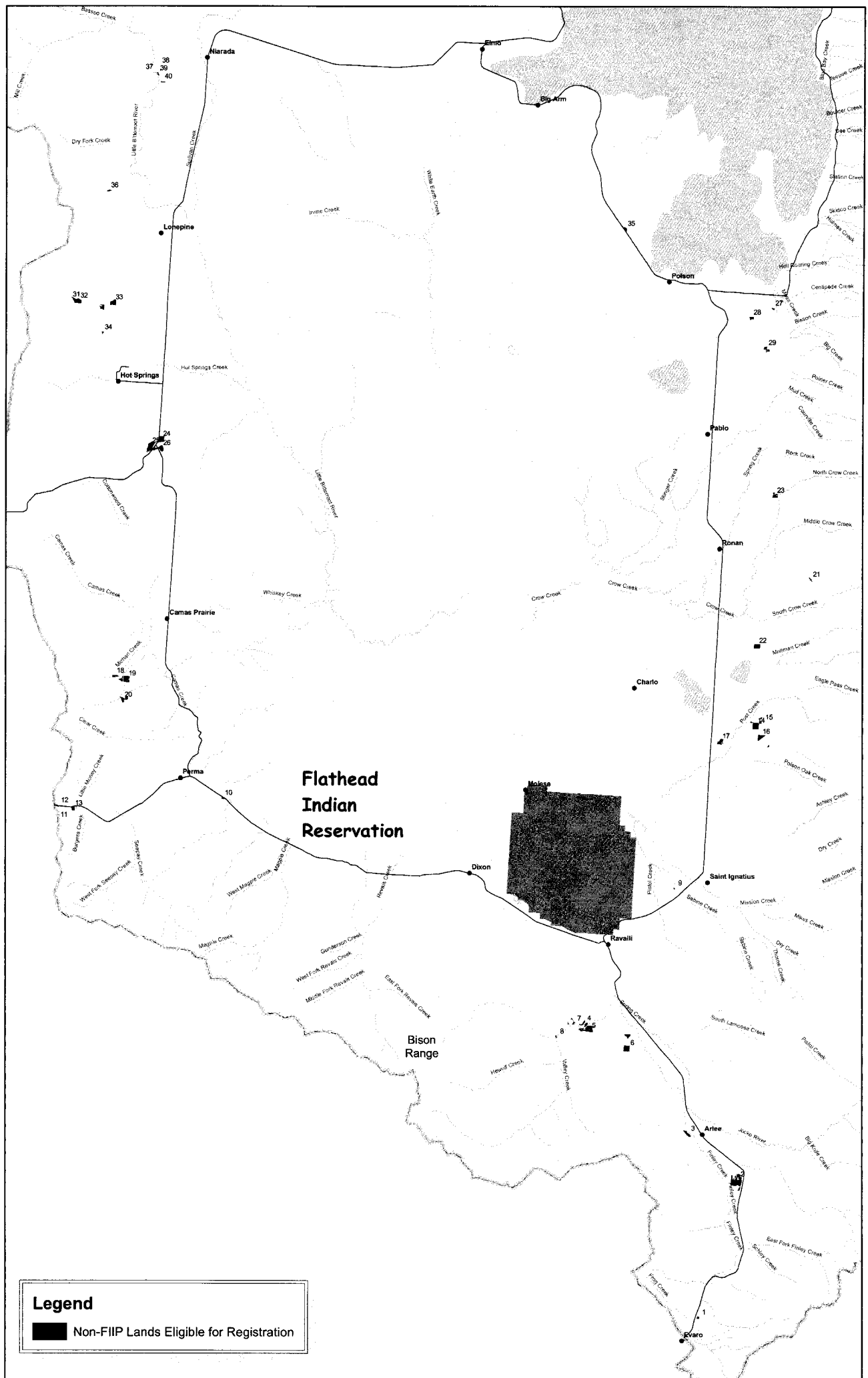
NO MORE THAN 135,000 ACRES MAY BE IRRIGATED DURING ANY GIVEN IRRIGATION SEASON WITHIN THE PLACE OF USE DESCRIBED BY WATER RIGHTS 76L 30052930, 76L 30052931, AND 76L 30052932.

SEE 30052932 MAP EXHIBIT(S) 1 THROUGH 37.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THE FOLLOWING ADMINISTRATIVE AREAS , AS DEFINED IN APPENDIX 3.2 TO THE COMPACT, ARE PERTINENT TO THIS WATER RIGHT: PLACID CANAL DIVERSION, TABOR FEEDER CANAL, PABLO FEEDER CANAL, UPPER MISSION CREEK, LOWER MISSION CREEK, UPPER CROW CREEK, LOWER CROW CREEK, HELLROARING / CENTIPEDE / BISSON CREEKS, FLATHEAD RIVER PUMPING PLANT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.



Legend

 Non-FIIP Lands Eligible for Registration

Non-FIIP HIA Lands Eligible for Registration

Tract	Legal Land Description	Acres
1	T15NR20W24	5.10
2	T16NR19W19	99.44
3	T16NR20W11	18.46
4	T17NR20W18	16.47
5	T17NR20W19	54.37
6	T17NR20W21	56.74
7	T17NR21W13	8.06
8	T17NR21W24	2.80
9	T18NR20W15	1.27
10	T18NR23W05	3.66
11	T18NR24W06	0.07
12	T18NR24W07	6.03
13	T18NR24W08	10.34
14	T19NR19W07	41.52
15	T19NR19W08	7.22
16	T19NR19W17	28.56
17	T19NR20W13	22.73
18	T19NR24W09	9.33
19	T19NR24W10	47.59
20	T19NR24W15	25.44
21	T20NR19W09	3.26
22	T20NR19W30	26.62
23	T21NR19W20	21.57
24	T21NR24W13	35.57
25	T21NR24W23	62.08
26	T21NR24W24	23.13
27	T22NR19W08	3.25
28	T22NR19W18	10.65
29	T22NR19W20	14.40
31	T22NR24W19	11.21
32	T22NR24W20	25.31
33	T22NR24W21	47.27
34	T22NR24W28	2.68
35	T23NR20W30	9.17
36	T23NR24W28	4.95
37	T24NR24W26	0.03
38	T24NR24W27	0.38
39	T24NR24W34	4.18
40	T24NR24W35	4.12

RECLAMATION

Managing Water in the West

FLATHEAD BASIN TRIBAL DEPLETIONS STUDY



U.S. Department of the Interior
Bureau of Reclamation
Pacific Northwest Region
Boise, Idaho

September 2012

Mission Statements

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

Cover photo: Part of the western slope of the Rocky Mountains that form a major portion of the Flathead River watershed, a major tributary to the Columbia River Basin.

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Executive Summary

The Bureau of Reclamation analyzed the potential use of storage water from Hungry Horse Reservoir to augment water supplies for the Confederated Salish and Kootenai Tribes of the Flathead Nation (CSKT). The information revealed by the analysis will be used to determine the best way to meet supplemental water requirements sought by the CSKT through their water rights settlement effort. In the analysis, the Tribes' 1855 Hellgate Treaty priority date was held senior to the 1920 water rights on Flathead Lake and the junior water rights on Hungry Horse Reservoir. Additionally, Hungry Horse Reservoir was drafted for flow augmentation as required under the 2008/2010 NOAA Fisheries Service Federal Columbia River Power System Biological Opinion (2008/2010 FCRPS BiOp), in each modeled scenario.

Three scenarios were modeled: 1) the Base Case which featured current diversions along with flow augmentation required by the 2008/2010 FCRPS BiOp; 2) the Natural Q scenario which is the Base Case with new CSKT diversions met with the natural Flathead River flows as much as possible; 3) the Natural Q plus 90K scenario which is the Base Case plus natural flows for the new CSKT diversions and a fixed amount of 90,000 acre-feet of water released from Hungry Horse Dam to help meet the new Tribal diversions.

Analysis of the model simulations between the Base case and the Natural Q and the Natural Q plus 90K scenarios depicted the effects the new CSKT diversions would have on Hungry Horse Reservoir, the Flathead River downstream of Hungry Horse Reservoir, Flathead Lake, and the lower Flathead River.

The modeled results showed that for Hungry Horse Reservoir there were no differences in the storage and discharges between the Base Case and the Natural Q scenario. The natural flow downstream of Hungry Horse Reservoir and normal Hungry Horse Dam discharges were able to meet the new diversions and additional discharges from Hungry Horse Dam were not required. For the Natural Q plus 90K scenario, the increased discharges from Hungry Horse Dam during the summer caused the elevation of the reservoir to be approximately 4 feet lower at the end of the summer. The increased fall drawdown affected the ability of Hungry Horse Reservoir to fill the following spring during dry years. An analysis of annual maximum elevations of Hungry Horse Reservoir showed a difference of one foot or less in 86 percent of the water years when comparing the Base Case and the Natural Q plus 90K scenarios.

A comparison of the amount of spring and summer discharges from Hungry Horse Reservoir between the Base Case and the Natural Q plus 90K scenarios showed that in above average water years, flood control releases would be made before April 10, the start of the spring flow augmentation period, and the rest of the discharges over the spring

and summer would not be changed. In near average water years, Hungry Horse Dam discharges would be decreased in the spring because the reservoir would be entering the flood control at a lower elevation and less water would need to be released in the April 10 through June 30 period. In below average water years, the flow augmentation volume in the summer would be decreased because of the inability to fill to as high a level in the Natural Q plus 90K scenario as in the Base Case.

New Tribal diversions were not fully met with the Natural Q scenario in most of the water years. Shortages of 20,000 acre-feet or greater occur 20 percent of the time with the maximum shortages being 120,000 acre-feet in the March through September period. In the Natural Q plus 90K scenario, most of the Tribal diversions are met with the extra 90,000 acre-feet released from Hungry Horse Reservoir. There were less than 20,000 acre-feet of diversion shortages for all of the years, with over 80 percent of the years having no shortages in the Natural Q plus 90K scenario. The shortages that did occur in this scenario occurred in the March through June period and in October.

Modeled Tribal diversions impacted the summer elevation of Flathead Lake in some years. In the modeling, no adjustments were made to the 4(e) outflows for drought management. A comparison of summer Flathead Lake elevations showed that in 83 percent of the time over the 70-year modeled period that there was no difference in summer elevations between the Base Case, the Natural Q scenario, and Natural Q plus 90K scenario. The greatest differences in elevation between the Base Case and the Natural Q plus 90K scenario was 0.4 feet which occurred less than 3 percent of the time over the 70-year modeled period. The differences in Flathead Lake summer elevations were due to the natural flow in excess of the Flathead Lake storage right being used for the new Tribal diversions rather than storage in Flathead Lake.

River flows at the Flathead River at Perma were decreased for the Natural Q and the Natural Q plus 90K scenarios when compared to the Base Case. The total volume decrease on an annual basis ranged from 104,000 to 120,000 acre-feet for both scenarios. The decreases in flows at the Perma gage were the greatest during the summer flow augmentation period of July through September with the differences being 9 percent of the total flow (619 cfs) for the Natural Q scenario and 13 percent of the flow (761 cfs) for the Natural Q plus 90K scenario.

This modeling analysis is not a proposal for current or future operations; it only gives results of possible effects that the new Tribal diversions could have on the Flathead basin given some predefined modeling assumptions. The results are intended to provide a starting point for further analysis of what effects new Tribal diversions could have in the Flathead basin.

Introduction

The Confederated Salish and Kootenai Tribes of the Flathead Nation (CSKT) are negotiating with the State of Montana and the United States regarding reserved and aboriginal water right claims that fall under the 1855 Hellgate Treaty and subsequent guidance. The treaty established the Reservation and guaranteed the Tribes the right to hunt and fish in common with non-Indians off the Reservation. The treaty also laid the framework for claims for future Tribal uses, including irrigation and other uses necessary to satisfy the purposes of the Tribal homeland. The Dawes Act and subsequent Flathead Allotment Act of 1904 opened up reservation lands to non-Indians resulting in a checkerboard land ownership pattern. This has increased the complexity of current water use patterns and the issues surrounding water rights settlement efforts.

The parties to the CSKT negotiations agreed to evaluate whether part of the Tribal water right could be met by augmenting water supplies with water from Reclamation's Hungry Horse Reservoir. The Pacific Northwest Regional Office of the Bureau of Reclamation (Reclamation) administers the reservoir which is upstream of the Reservation. The reservoir impounds over 3 million acre-feet of water which is used for flood control and power generation. Releases are also made to maintain minimum flows on the Flathead River in compliance with the 2000 U.S. Fish and Wildlife Service Biological Opinion (2000 USFWS BiOp), and to augment flows for downstream fisheries in compliance with the 2008/2010 NOAA Fisheries Service Federal Columbia River Power System Biological Opinion (2008/2010 FCRPS BiOp).

In late 2007, Reclamation was asked to model the potential use of storage water from Hungry Horse Reservoir to augment water supplies for the CSKT. Simulation studies were performed by Reclamation to investigate the effects of CSKT depletions (defined as the quantity of water diverted minus the quantity of water which returns to the river as a result of the diversion) on the entire Flathead River system. The estimated CSKT upper limit depletions for future use are about 128,000 acre-feet annually.

The results of the preliminary modeling studies, presented by Reclamation at a public meeting (CSKT, State of Montana Reserved Water Rights Compact Commission, and United States Water Rights Negotiation Session) on October 22, 2008, showed that only taking storage from Hungry Horse Reservoir to meet additional CSKT depletions drafted Hungry Horse Reservoir up to 6 additional feet in some years, causing reservoir releases to be reduced substantially in the following spring and summer and impacting the ability to comply with the 2008/2010 FCRPS BiOp. Based on this observation, additional modeling assumptions were developed to model the Tribal diversions by meeting the

Table 4: Hungry Horse Dam Ramping Rates

If the discharge below Columbia Falls is:	Ramping UP may not exceed:
greater than 10,000 cfs	12,000 cfs /day
8,000 – 10,000 cfs	3,600 cfs / day
below 8,000 cfs	1,800 cfs / day

If the discharge below Columbia Falls is:	Ramping DOWN may not exceed:
greater than 12,000 cfs	5,000 cfs /day
8,000 – 12,000 cfs	2,000 cfs / day
6,000 – 8,000 cfs	1,000 cfs / day
below 6,000 cfs	600 cfs / day

In the modeling for all scenarios, the flow augmentation water from Hungry Horse is passed through Flathead Lake during the summer months. Kerr Dam also releases minimum downstream flows (4[e]) (Table 5) and follows ramping rates as required by its FERC licensing which provide flows for local fisheries (Table 6). The flow augmentation water from Hungry Horse is in excess of the Kerr Dam minimum flow requirements. The model also followed Flathead Lake filling criteria of raising the elevation of the Lake to elevation 2890 feet by Memorial Day (May 30th). The lake was then raised as rapidly and early thereafter as possible to elevation 2893 feet while taking into account the flood potential still existing in the river basin above and below the lake as determined by the US Army Corps of Engineers. When the flood potential is past, then the filling of the Lake is accelerated to reach elevation 2893 feet by June 15.

Table 5: Minimum Flathead River Flows Below Kerr Dam (U.S. Geological Survey gage 12372000)

Flathead River Mainstem Minimum Flow Daily Values As Measured at USGS Gage #12372000 Below Kerr Dam												
Day	Month											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	3200	3200	3200	3200	5510	12700	12280	3200	3200	3200	3200	3200
2	3200	3200	3200	3200	6020	12700	11860	3200	3200	3200	3200	3200
3	3200	3200	3200	3200	6530	12700	11440	3200	3200	3200	3200	3200
4	3200	3200	3200	3200	7040	12700	11020	3200	3200	3200	3200	3200
5	3200	3200	3200	3200	7550	12700	10600	3200	3200	3200	3200	3200
6	3200	3200	3200	3200	8060	12700	10180	3200	3200	3200	3200	3200
7	3200	3200	3200	3200	8570	12700	9760	3200	3200	3200	3200	3200
8	3200	3200	3200	3200	9080	12700	9340	3200	3200	3200	3200	3200
9	3200	3200	3200	3200	9590	12700	8920	3200	3200	3200	3200	3200
10	3200	3200	3200	3200	10100	12700	8500	3200	3200	3200	3200	3200
11	3200	3200	3200	3200	10610	12700	8080	3200	3200	3200	3200	3200
12	3200	3200	3200	3200	11120	12700	7660	3200	3200	3200	3200	3200
13	3200	3200	3200	3200	11630	12700	7240	3200	3200	3200	3200	3200
14	3200	3200	3200	3200	12140	12700	6820	3200	3200	3200	3200	3200
15	3200	3200	3200	3200	12650	12700	6400	3200	3200	3200	3200	3200
16	3200	3200	3200	3320	12700	12700	6200	3200	3200	3200	3200	3200
17	3200	3200	3200	3440	12700	12700	6000	3200	3200	3200	3200	3200
18	3200	3200	3200	3560	12700	12700	5800	3200	3200	3200	3200	3200
19	3200	3200	3200	3680	12700	12700	5600	3200	3200	3200	3200	3200
20	3200	3200	3200	3800	12700	12700	5400	3200	3200	3200	3200	3200
21	3200	3200	3200	3920	12700	12700	5200	3200	3200	3200	3200	3200
22	3200	3200	3200	4040	12700	12700	5000	3200	3200	3200	3200	3200
23	3200	3200	3200	4160	12700	12700	4800	3200	3200	3200	3200	3200
24	3200	3200	3200	4280	12700	12700	4600	3200	3200	3200	3200	3200
25	3200	3200	3200	4400	12700	12700	4400	3200	3200	3200	3200	3200
26	3200	3200	3200	4520	12700	12700	4200	3200	3200	3200	3200	3200
27	3200	3200	3200	4640	12700	12700	4000	3200	3200	3200	3200	3200
28	3200	3200	3200	4760	12700	12700	3800	3200	3200	3200	3200	3200
29	3200	3200	3200	4880	12700	12700	3600	3200	3200	3200	3200	3200
30	3200		3200	5000	12700	12700	3400	3200	3200	3200	3200	3200
31	3200		3200		12700	12700	3200	3200		3200		3200

Table 6. Flathead River Ramping Below Kerr Dam at U.S. Geological Survey gage 12372000

If the required release from Flathead Lake is:	Ramping may not exceed:
greater than 40,000 cfs	10,000 cfs / day
20,000 – 40,000 cfs	5,000 cfs / day
10,000 – 20,000 cfs	2,500 cfs / day
5,000 – 10,000 cfs	1,000 cfs / day
below 5,000 cfs	500 cfs /day

The order that water rights are prioritized in the model simulation, meeting 4(e) flows and the USFWS minimum flow requirements at Columbia Falls affect the ability of Flathead Lake and Hungry Horse Reservoir to fill during dry years. The model results therefore differ from historic records in the Flathead basin. In 2001, the only dry water year since flow augmentation water has been required from Hungry Horse; Flathead Lake was allowed to temporarily store some of the Hungry Horse flow augmentation water in early July and then released the volume later in August. This temporary reshaping of the flow augmentation water by Flathead Lake meant the Lake remained at a higher elevation longer in July and early August. The modeled Base Case and the other scenarios do not allow the temporary storage of the flow augmentation water in Flathead Lake; therefore, Flathead Lake elevations are lower in the model than what has historically occurred.

Results

Model simulations were performed and comparisons were made between the Base Case, the Natural Q scenario, and the Natural Q plus 90K scenario.

Hungry Horse Reservoir

In the Base Case scenario, Hungry Horse Reservoir is operated in accordance with the 2008/2010 FCRPS BiOp and the 2000 USFWS BiOp. The reservoir is drafted for flood control during the spring depending on the local forecasted inflow volumes and Variable Flow flood control (VARQ) needed for the Federal Columbia River Power System. Hungry Horse fills to a maximum level usually during the first week of July, and releases flow augmentation water during the July through September period.

In the Natural Q scenario, there is no change to the storage at Hungry Horse Reservoir or the discharges from Hungry Horse Dam when compared to the Base Case. Under the order of water rights priorities that were previously discussed, the natural flows upstream of Hungry Horse Reservoir would be passed through the reservoir for use in the Tribal diversions and Flathead inflow water rights only if there was not enough natural flow downstream of Hungry Horse to meet the senior rights. In all years modeled, the water rights of the Tribal diversions and Flathead Lake inflow are filled by the natural flows in the Flathead basin downstream of Hungry Horse Reservoir and the normal water releases from Hungry Horse Dam. As a result, there is no change to the storage at Hungry Horse Reservoir or the discharges from the dam when comparing the Natural Q to the Base Case.

In the Natural Q plus 90K scenario, 90,000 acre-feet of storage (493 cfs average) is released from Hungry Horse Reservoir during July through September in every water year and is not dependent on whether it is a wet or a dry year. Figures 3 and 4 show that during wet and average water years, there is no change in the refill of Hungry Horse Reservoir when comparing the Base Case/Natural Q plot to the Natural Q plus 90K plot. In these figures, the Natural Q scenario exactly matches the Base Case so that the Base Case line is hidden underneath the Natural Q line. In dry years, releasing the extra 90,000 acre-feet of water in the summer can impact the ability of Hungry Horse Reservoir to fill the following year, the reservoir will not fill as high as the Base Case under these dry conditions. In addition, the Natural Q plus 90K scenario causes Hungry Horse Reservoir to be 4 feet lower than the Base Case at the end of the summer draft period for the listed species downstream. This results in a lower elevation in the fall and winter for the resident ESA listed species.

Figure 5 shows an exceedance plot of annual maximum elevations for Hungry Horse Reservoir. This plot shows that the maximum elevation of Hungry Horse Reservoir is not changed for the Natural Q plus 90K scenario in slightly more than 50 percent of the water years when compared to the Base Case and Natural Q scenarios (the Base Case and Natural Q scenarios plot on top of each other). There is a 1-foot or less difference in elevation between the Natural Q plus 90K and the Base Case/Natural Q scenarios about 86 percent of the time. The greatest difference in maximum elevations is about 4.5 feet.

Specific examples of Hungry Horse Reservoir elevations are shown in Figures 6, 7, and 8. In Figure 6, the differences in maximum elevations range from less than a foot in 1940 to approximately 4.5 feet in 1941. Less extreme differences in the reservoir maximum elevations are shown in Figures 7 and 8.

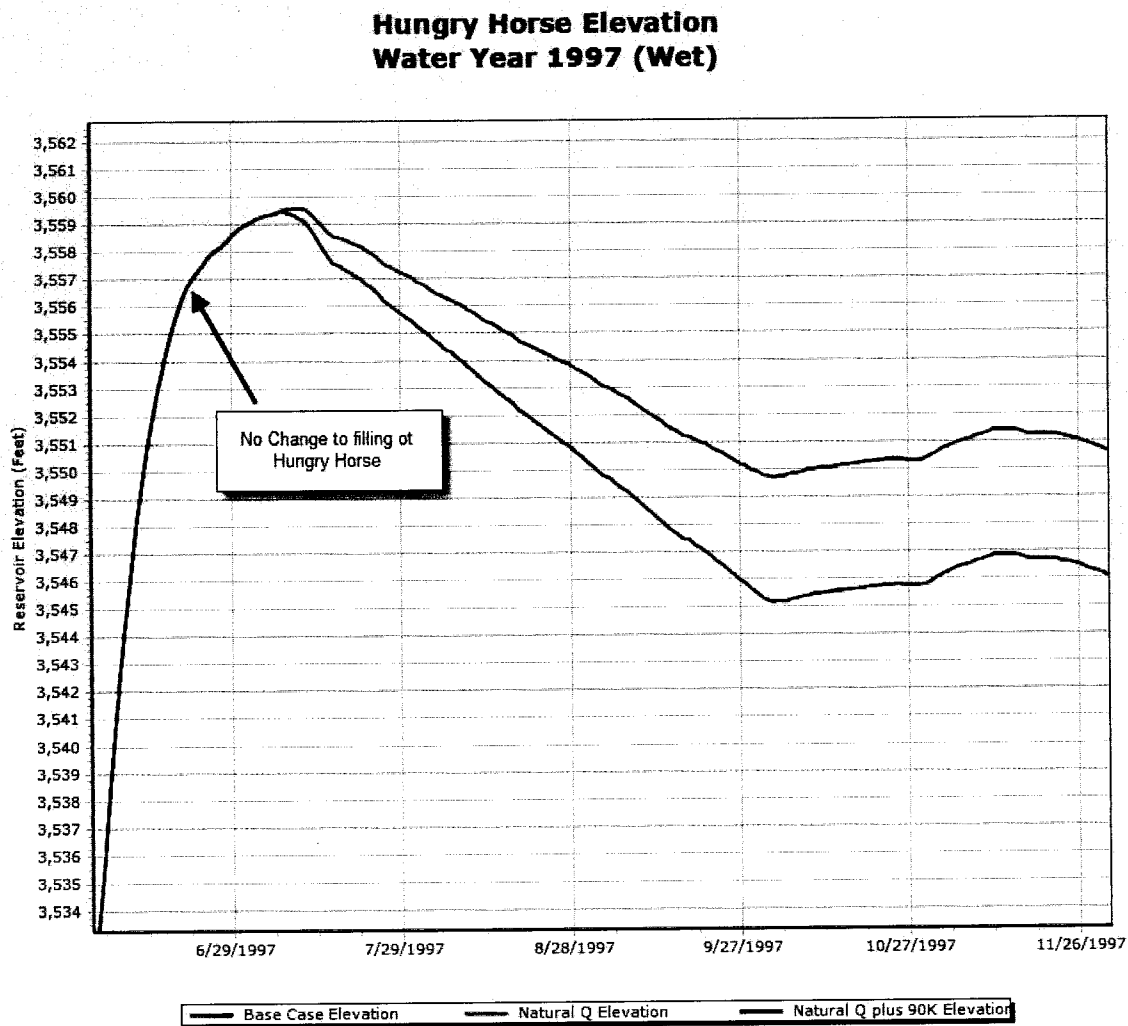


Figure 3. Modeled Hungry Horse Reservoir Elevations for Water Year 1997 which was an above average water year. The Base Case line is hidden under the Natural Q line.

Hungry Horse Elevation Water Year 2002 (Average)

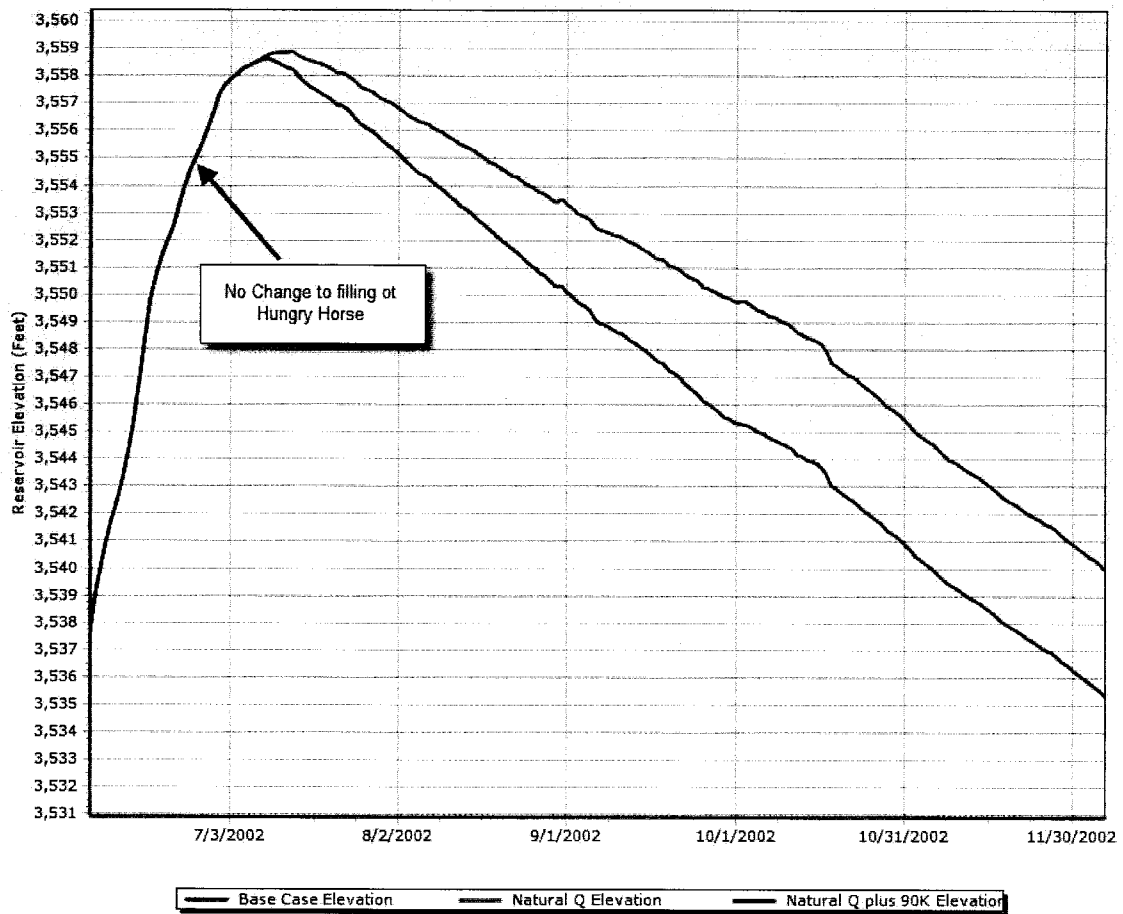


Figure 4. Hungry Horse Reservoir Elevations for Water Year 2002 which is a near average water year. The Base Case line is hidden under the Natural Q line.

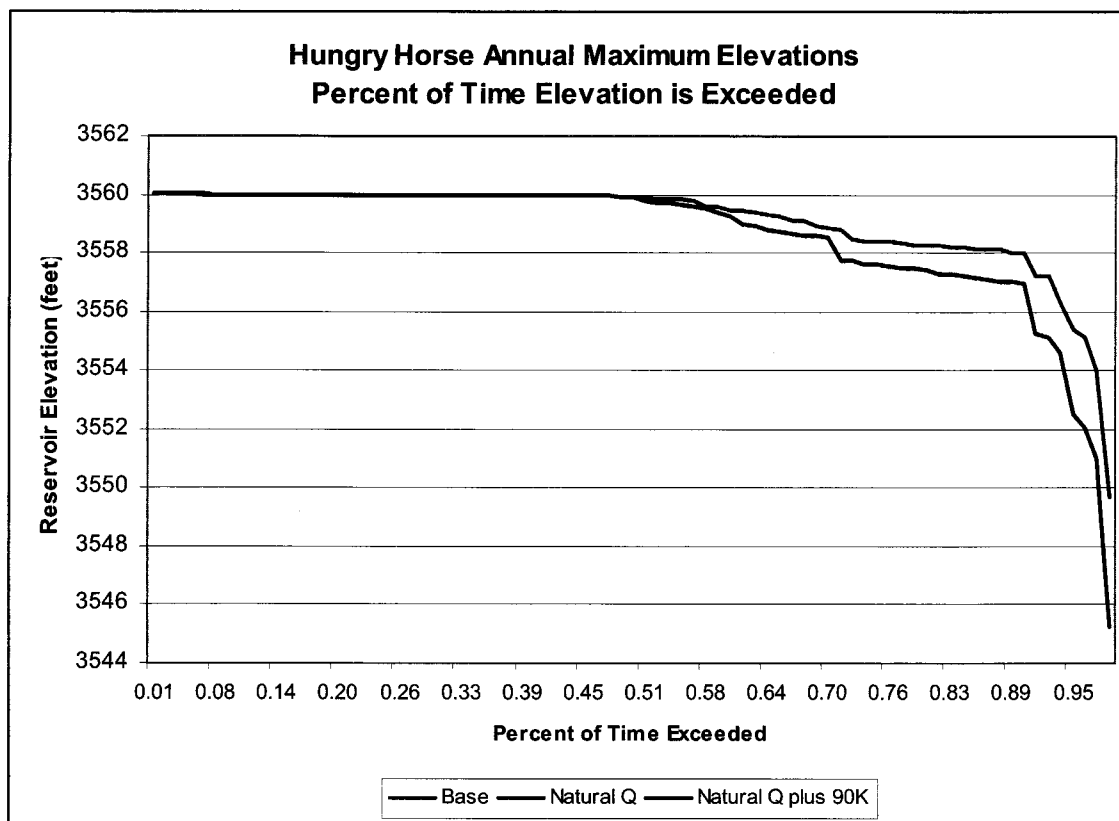


Figure 5. Annual Maximum Elevations of Hungry Horse Reservoir Exceedance Plot. The Base Case line is hidden under the Natural Q line.

Hungry Horse Elevation Water Year 1940 - 1941 (Dry)

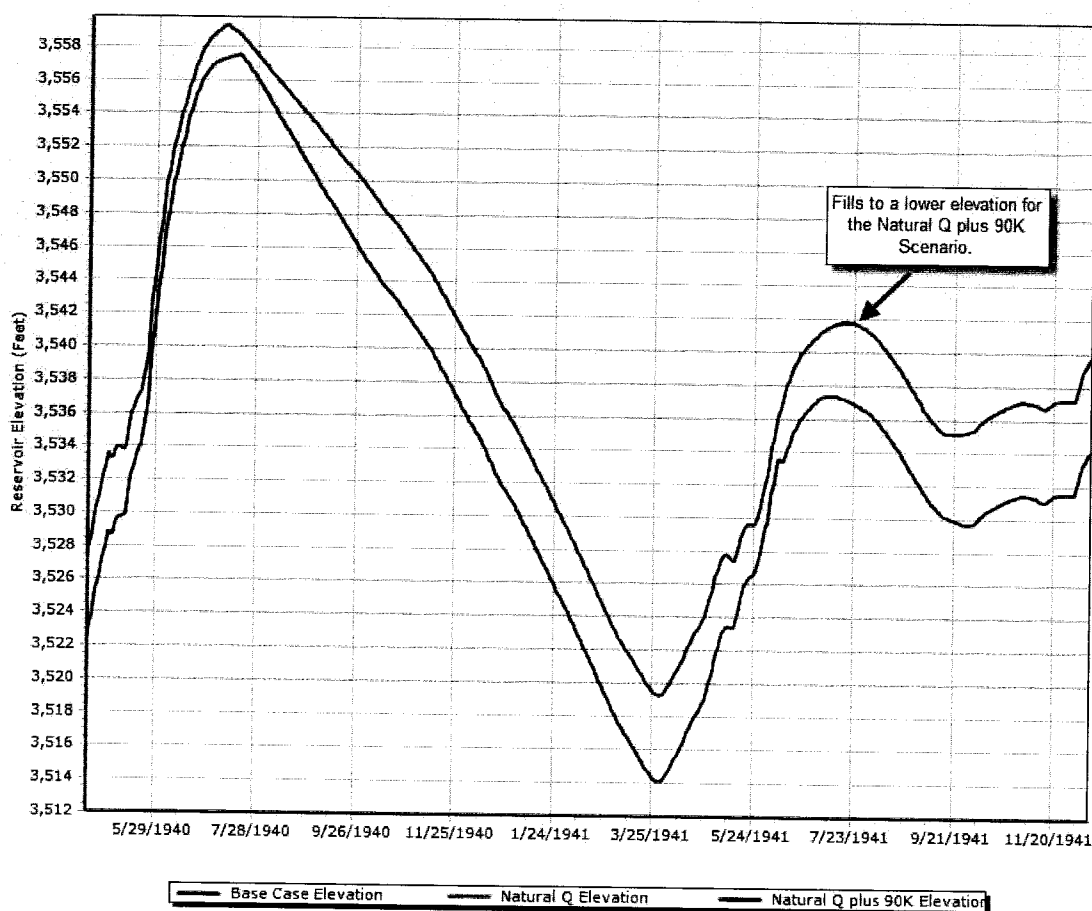


Figure 6. Hungry Horse Reservoir Elevations Base Case and Natural Q compared to the Natural Q Plus 90K. 1940-1941. The Base Case line is hidden under the Natural Q line.

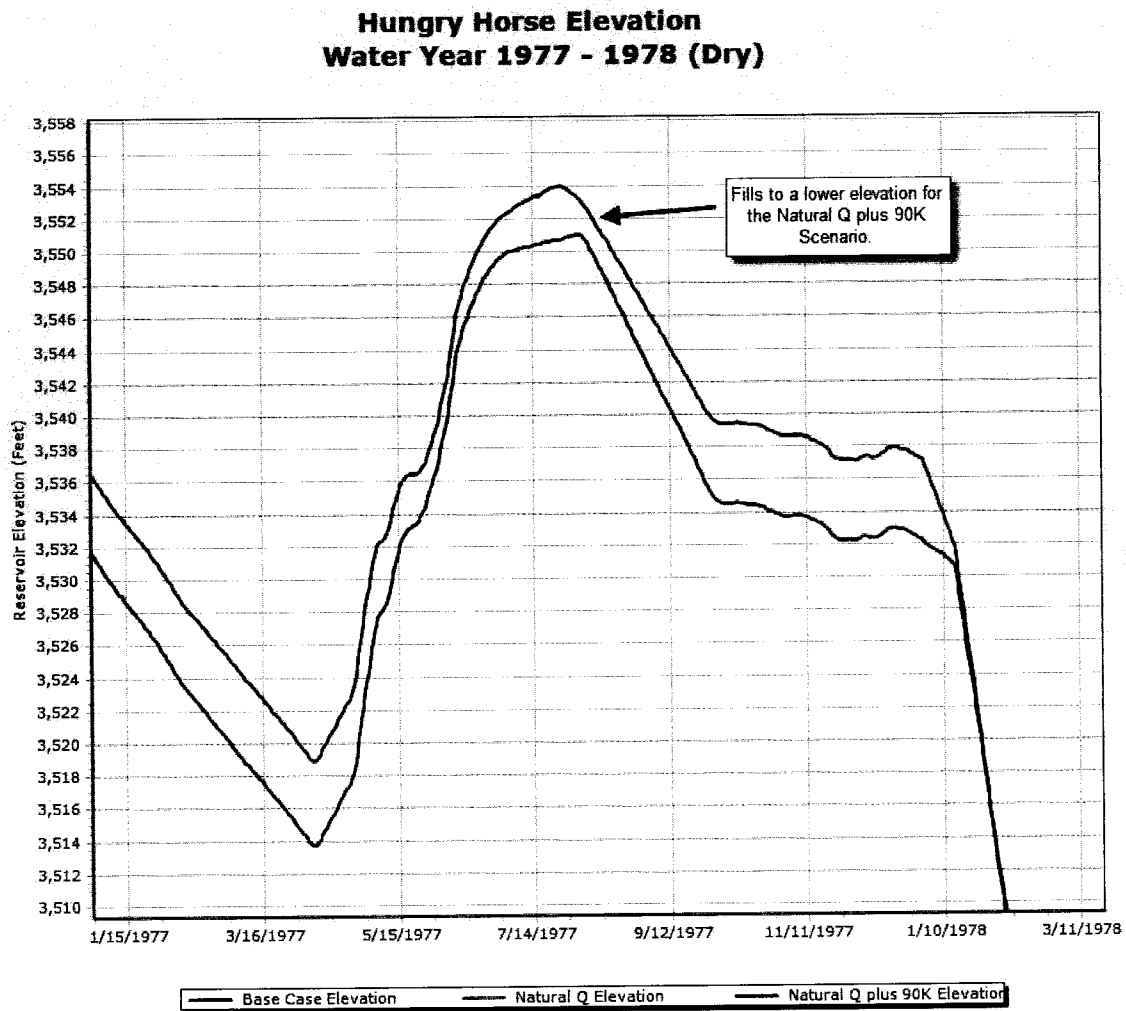


Figure 7. Hungry Horse Reservoir Elevations comparing Natural Q to Natural Q Plus 90K Scenarios. 1977 - 1978. The Base Case line is hidden under the Natural Q line.

Hungry Horse Elevation Water Year 1987 - 1988 (Dry)

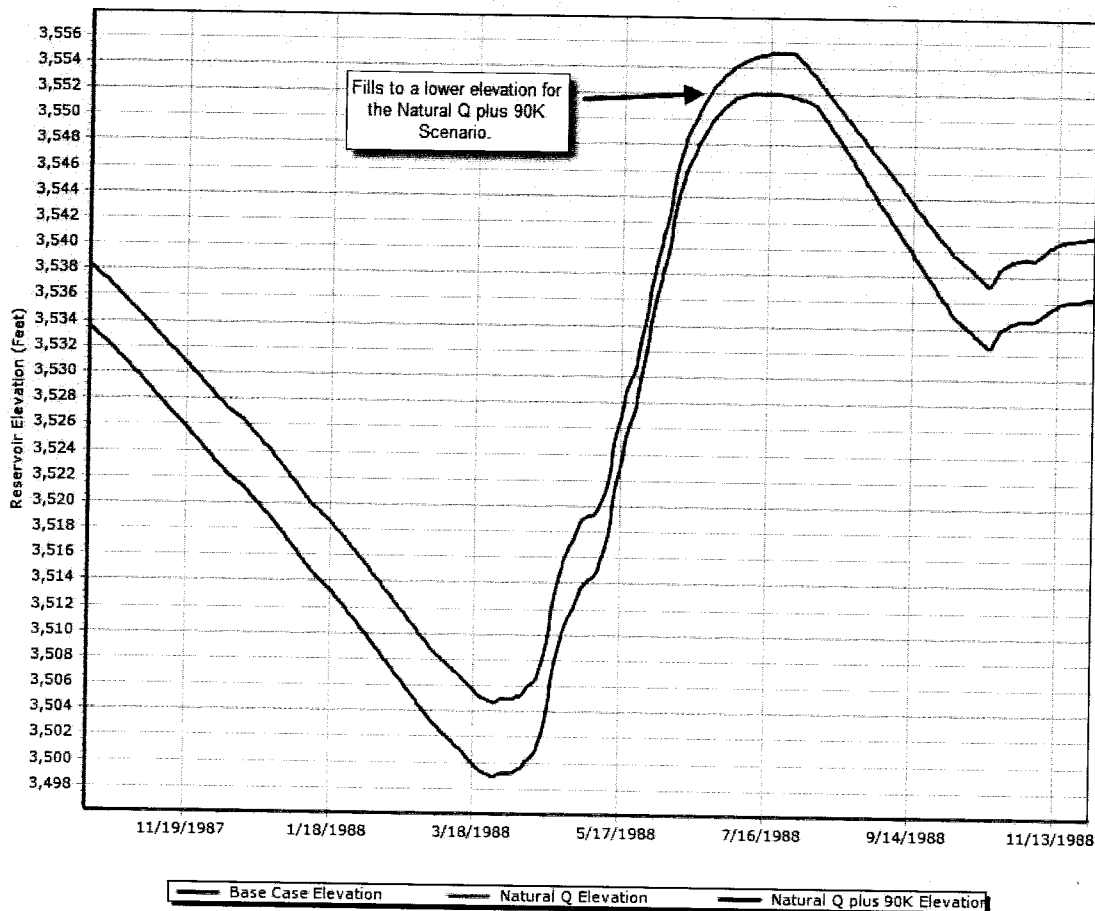


Figure 8. Hungry Horse Reservoir Elevations comparing Natural Q to Natural Q Plus 90K scenarios 1987 – 1988. The Base Case line is hidden under the Natural Q line.

Minimum flows on the Flathead River in compliance with the 2000 USFWS BiOp were met in all the scenarios. Discharges from Hungry Horse Dam in the spring and summer were not reduced in above average water years in the Natural Q plus 90K scenario when compared to the Base Case. Even though the extra 90,000 acre-feet was released the previous summer, Hungry Horse Reservoir would start drafting for flood control in these above average water years prior to April 10 so the reservoir would release the same amount of water during the spring and summer (plus the additional 90,000 acre-feet) migration periods when compared to the Base Case. An exceedance plot of the April 10 through June 30 volumes for all three scenarios are shown in Figure 9. The Base Case and the Natural Q plots are exactly the same and plot on top of each other. The greatest

Results

decrease in discharge in the spring with the Natural Q plus 90K scenario was around 103,000 acre-feet (641 cfs average); there were 26 years where the differences were less than 100 acre-feet (less than 1 cfs average). Specific examples include 1945, which was an 83 percent of average year (Figure 10), and 1936, which was a 95 percent of average year (Figure 11). The April 10 through June 30 flows were decreased by about 84,000 acre-feet (522 cfs average) in 1945 and decreased by about 99,000 acre-feet (616 cfs average) in 1936. The decreases in spring discharges from Hungry Horse Dam will decrease the amount of water coming from the Flathead basin which will decrease flows in the Columbia River during the spring migration of endangered species.

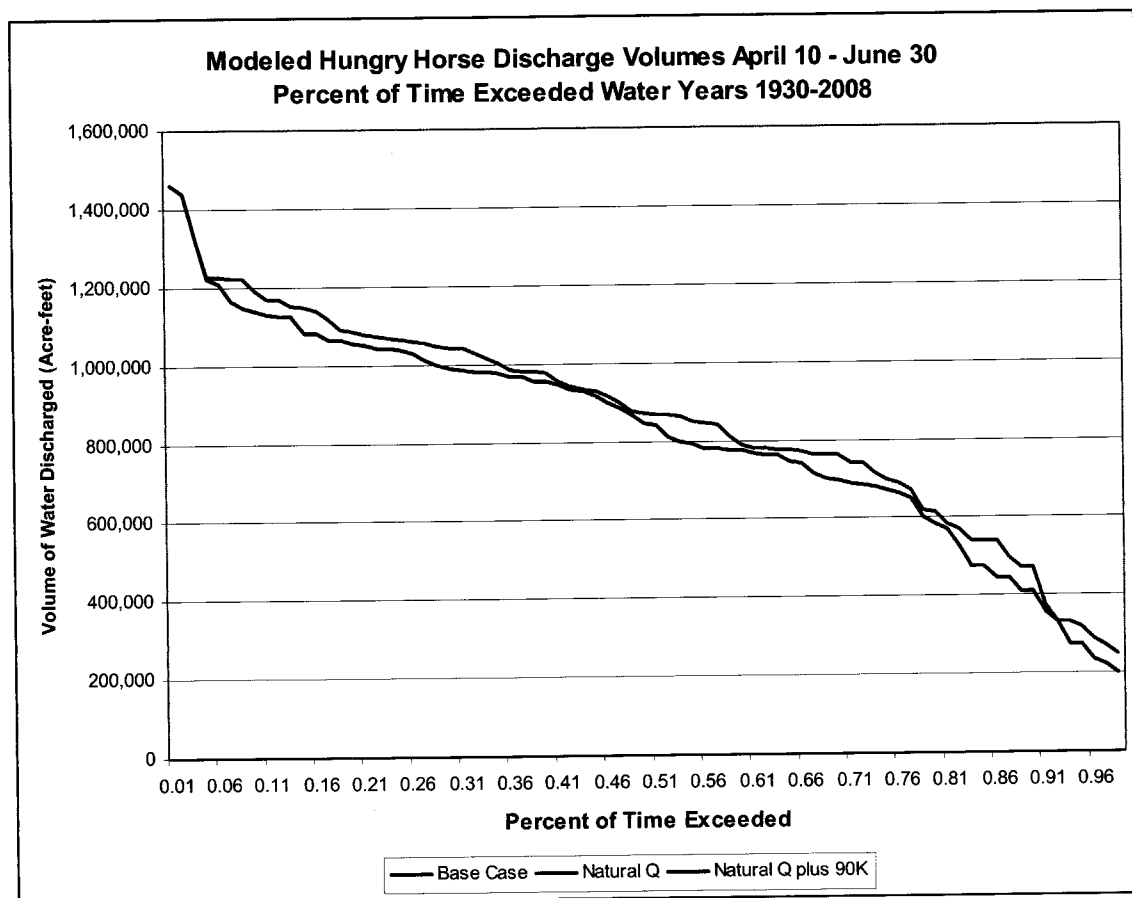


Figure 9. Modeled Hungry Horse Dam April 10 through June 30 Discharge Volumes Exceedance Plot.

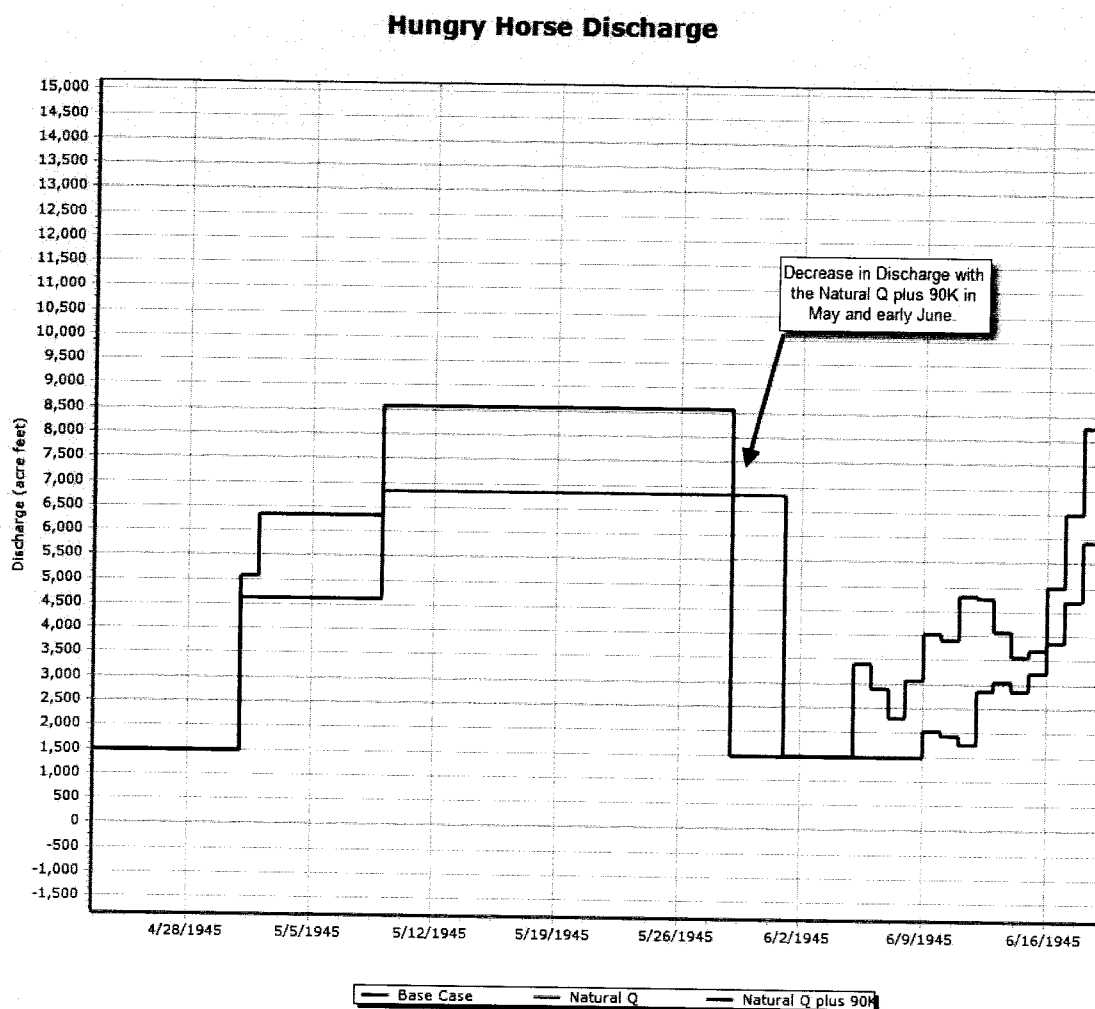


Figure 10. Hungry Horse Dam Discharges in spring of 1945 (83 percent of average year), showing a decrease in discharge with Natural Q plus 90K Scenario.

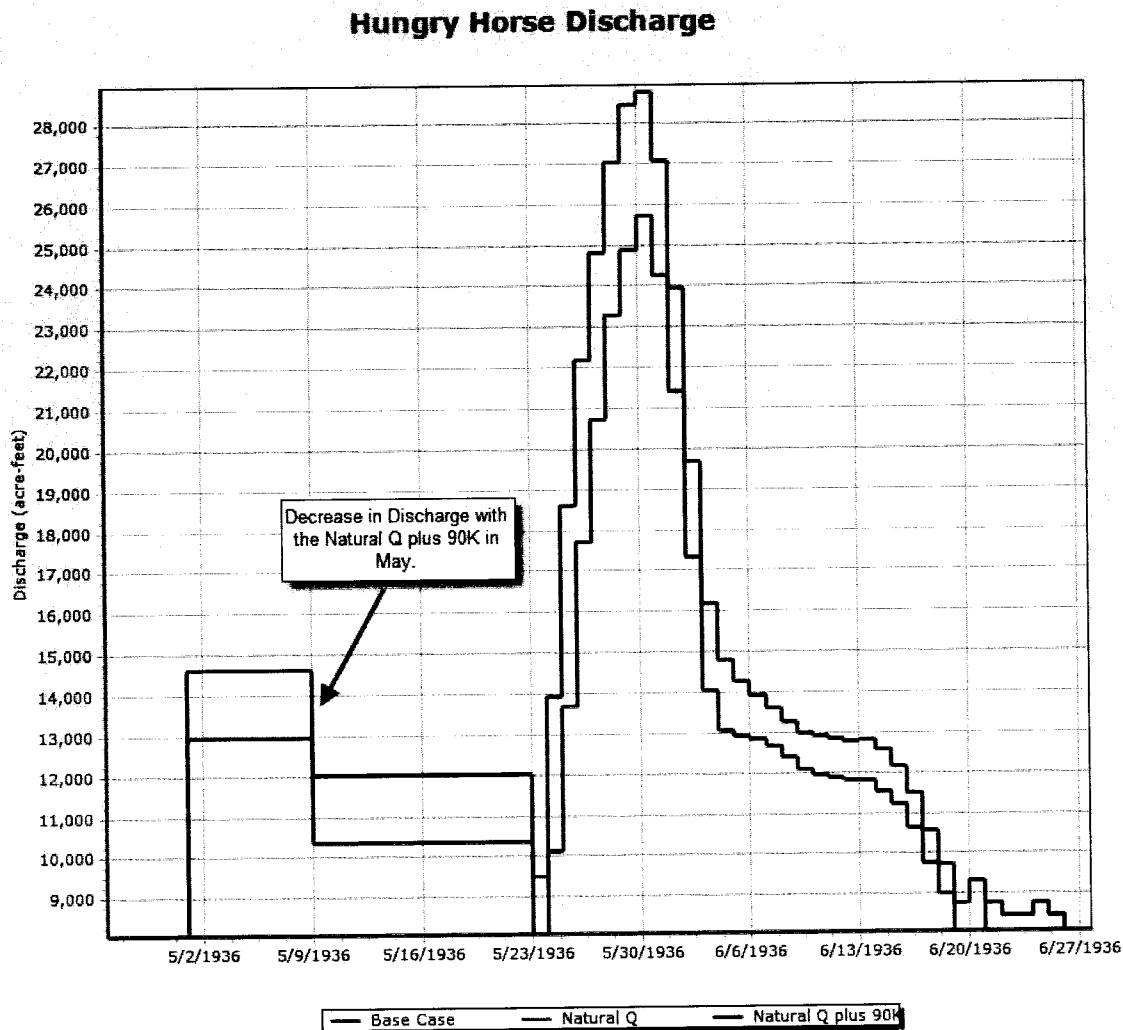


Figure 11. Hungry Horse Dam Discharges in spring of 1936 (95 percent of average year), showing the decrease in discharge with Natural Q plus 90K scenario.

In dry water years, summer flow augmentation supplied by Hungry Horse Reservoir for Columbia River endangered species is decreased in the Natural Q plus 90K scenario when compared to the Base Case. The volume of decrease in any given year depends on the maximum fill of Hungry Horse Reservoir in early July. In real-time operations, the reservoir may be held slightly short of completely filling in order to maintain a steady discharge through the maximum fill period and not cause a double peak on the downstream reach. A double peak occurs when the discharges are lowered to fill the reservoir and then increased significantly in order to start flow augmentation or irrigation

releases after the reservoir is filled. To avoid a double peak, some flow augmentation water would be released before the maximum fill date.

Years when there was more than 24,000 acre-feet (approximately 1 foot in elevation) decrease in the maximum storage at Hungry Horse Reservoir due to the 90K releases during the previous year are listed in Table 7. The most extreme difference in flow augmentation volume is over 71,000 acre-feet in 1988. There is a 15 percent chance that the flow augmentation volume discharged from Hungry Horse Dam will be reduced by about 24,000 acre-feet or more (more than 1 foot lower in elevation) when comparing the Natural Q plus 90K to the Base Case, there is no difference in flow augmentation volumes approximately 50 percent of the time (Figure 12).

Table 7. Hungry Horse Dam Summer Flow Augmentation Decreases for the Natural Q Plus 90K Scenario when compared to the Base Case.

Year	Flow Augmentation Shortage (in acre-feet)
1988	71,704
1977	69,375
1944	66,950
2001	62,117
1937	46,187
1940	42,385
1941	38,858
1930	26,788
1951	25,530
1974	25,231
1999	24,242
1965	24,060

**ADDITIONAL
DOCUMENTS**

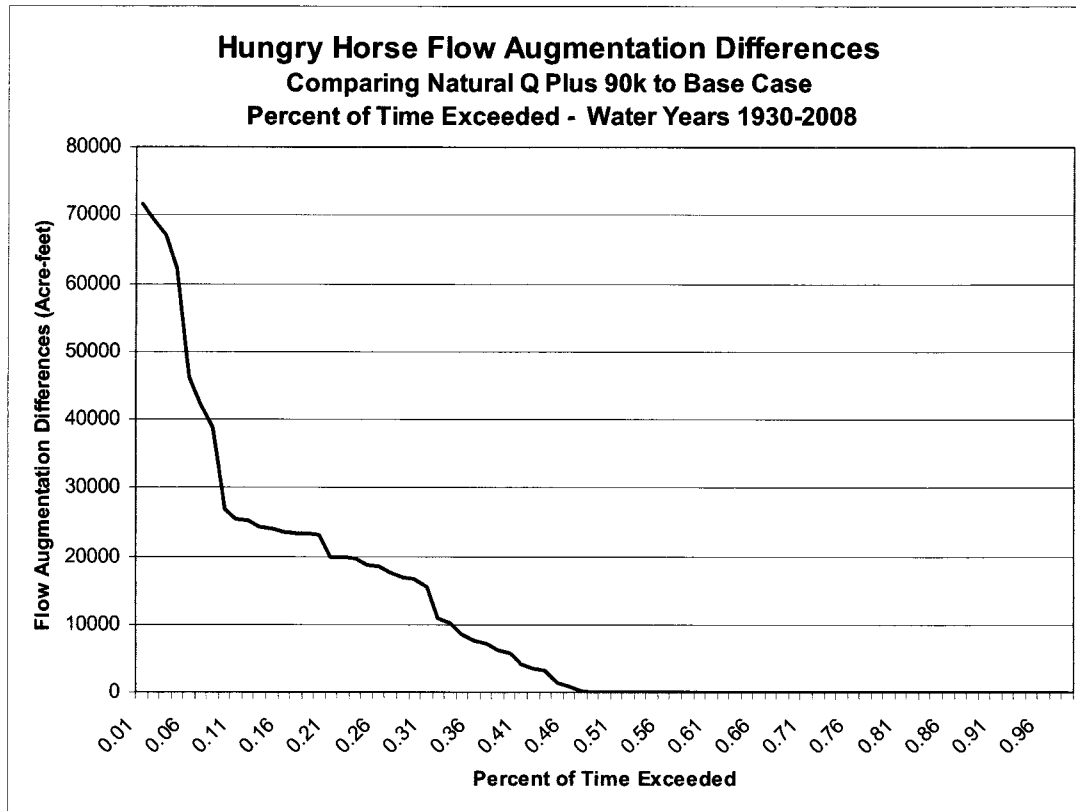


Figure 12. Hungry Horse Dam Summer Flow Augmentation Differences between Base Case and Natural Q Plus 90k, Percent of Time Exceeded, 1930-2008.

Flathead Lake

The modeled Base Case scenario shows that during dry years, Flathead Lake is drafted lower during the summer months than may have occurred historically. This is because the 4(e) flows were strictly adhered to in the model and the flow augmentation water from Hungry Horse Dam was passed through Flathead Lake downstream to the lower river. Historically, in a year such as 2001 which is the only dry year since 4(e) flows and flow augmentation requirements have been in place, flow augmentation water was temporarily stored in Flathead Lake in July and early August and released later in August allowing the Lake to be at higher elevations for a longer period in the summer. There were some adjustments made to the April 15 target elevation for flood control in the model during the four driest years (1941, 1944, 1977, and 2001) because the adaptive management of Flathead Lake elevations, similar to what was done in 2001, would most likely occur in the driest years to reduce the amount of draft on Flathead Lake. In addition, a Drought Management Plan is being developed for Flathead Lake where adaptive management of the target elevations and the 4(e) flows that could occur are

based on the forecasted runoff in the Flathead basin. These adjustments could help alleviate the adverse impacts on Flathead Lake levels during a dry year.

For the Natural Q scenario, in a higher than average water year such as 1997 (143 percent of average runoff), the natural flow and Hungry Horse Dam discharges were able to supply all of the new Tribal diversions. In the same scenario, an average water year such as 2002 (99 percent of average runoff), the natural flows and current Hungry Horse discharges failed to meet the Tribal diversions by less than 10,000 acre-feet early in May and late in October. In a below average water year like 2001 (57 percent of average runoff), natural flow and current Hungry Horse discharges failed to meet the new Tribal diversions by about 95,000 acre-feet. Figure 13 shows an exceedance plot of the new Tribal diversion shortages for the March through September period. On this plot, for the Natural Q scenario, there are shortages up to 20,000 acre-feet about 20 percent of the time. The maximum shortages for this period were around 120,000 acre-feet. The Natural Q plus 90K exceedance plot showed less than 20,000 acre-feet of shortages for all of the years. This figure illustrates that the extra 90,000 acre-feet released from Hungry Horse Dam in the July through September period reduced the amount of new Tribal diversion shortages at Flathead Lake.

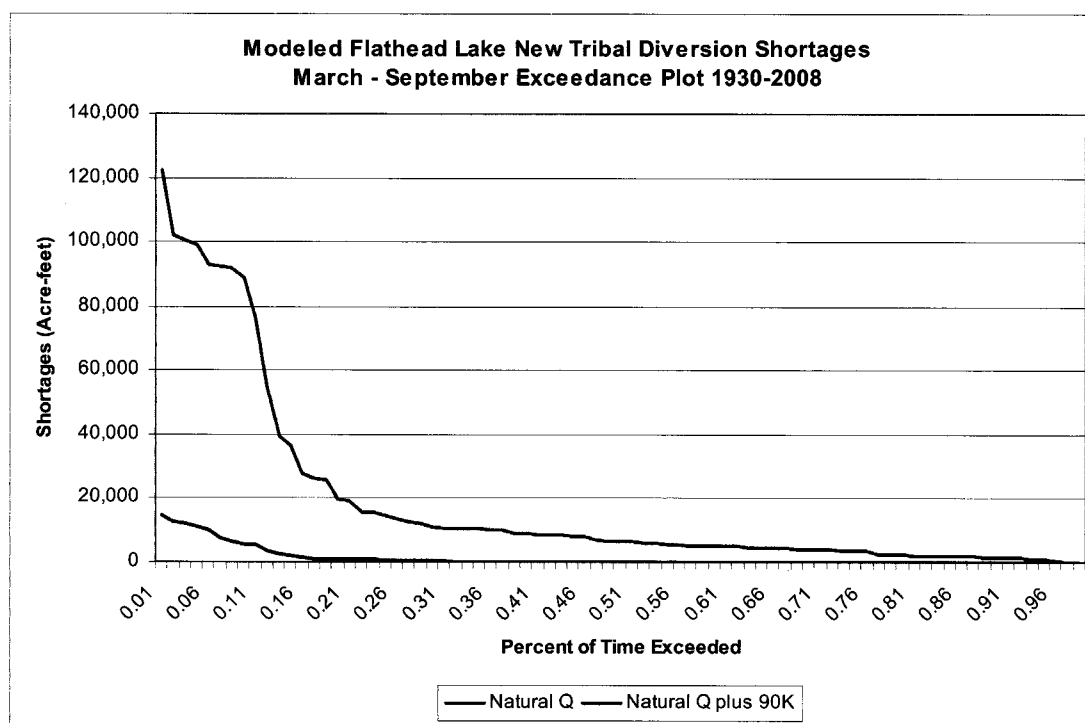


Figure 13. Modeled Flathead Lake March through September New Tribal Diversion Shortages Exceedance Plot.

Flathead Lake summer elevations could be impacted by the new Tribal diversions since the diversions have the senior water right in the basin. Flathead Lake has a priority flow right of 14,540 cfs to fill the Lake and to meet the 4(e) flows after the Tribal diversions are met. The accumulation of the 14,540 cfs was tracked in the model; when the full volume of Flathead Lake had accumulated, this right was filled. The next priority allowed natural flow to be stored in Hungry Horse Reservoir to its full volume. The actual filling of Flathead Lake in the model reached a lower elevation in the dry years for the Natural Q and Natural Q plus 90K scenarios when compared to the Base Case because natural flows were being used for the new Tribal diversions, and because the 4(e) flows, which are a part of the inflow water right, were still being released from the lake during the spring refill.

Figure 14 shows an exceedance plot of the modeled July through September Flathead Lake elevations. This plot shows that in 83 percent of time in the 70-year period there is no difference in summer Flathead Lake elevations between the Base Case, Natural Q scenario, and Natural Q plus 90K scenario. The greatest difference in elevations is 0.4 feet between the Base Case and the Natural Q plus 90K and occurs less than 3 percent of the time. The lowest elevation for the Natural Q scenario is 0.2 feet lower than the Base Case lowest elevation and the lowest elevation for the Natural Q plus 90K scenario is 0.2 feet higher than the Base Case lowest elevation.

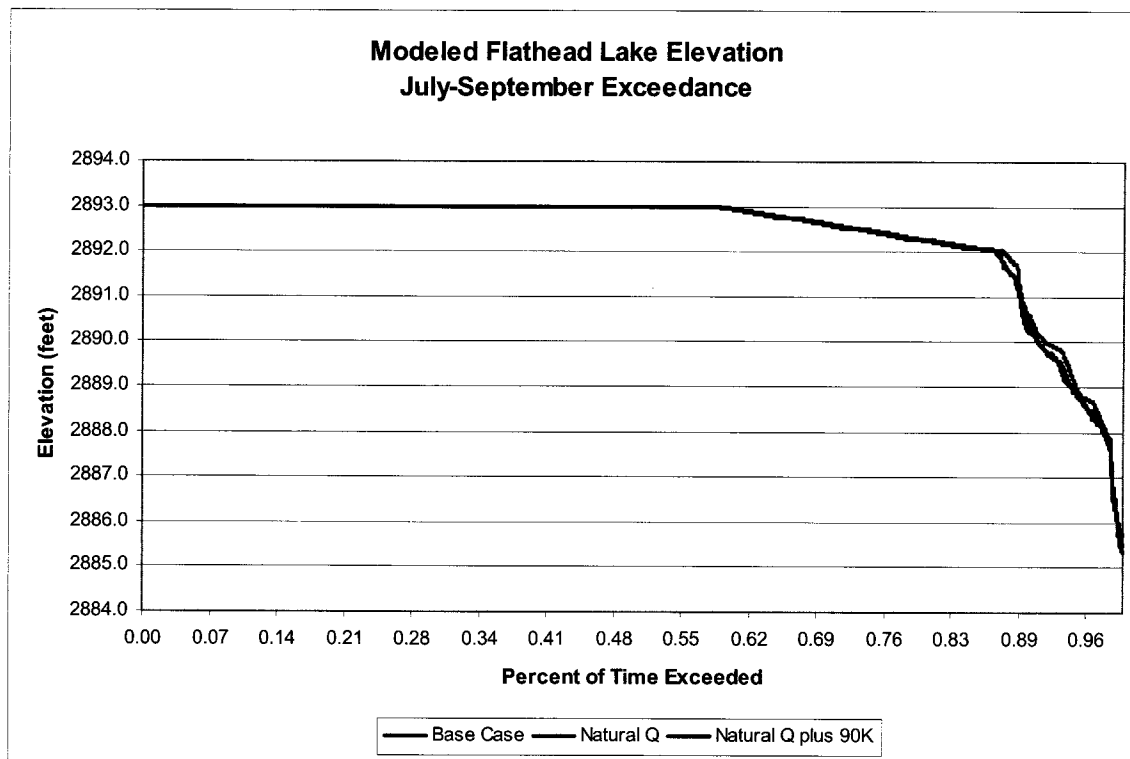


Figure 14. Modeled Elevation Duration Curve for Flathead Lake, July through September.

The difference in Flathead Lake summer elevations between the Base Case and the Natural Q and Natural Q plus 90K scenarios in individual dry years is shown in more detail in Figures 15, 16, and 17. These three figures show that in the dry water years, Flathead Lake will not fill to as full an elevation in the spring and summer for the Natural Q and Natural Q plus 90K scenarios when compared to the Base Case. The lower elevations in the Natural Q plus 90K scenario are due in part to the decrease in discharges from Hungry Horse Dam during this period in the dry years after the reservoir discharged an additional 90,000 acre-feet the previous summer. The lower elevations in the Natural Q and the Natural Q plus 90K scenarios also occur because historically Flathead Lake used natural flows in excess of the 14,540 cfs water right to fill. The new Tribal diversions are now taking that excess water. The 14,540 cfs Flathead Lake priority flow rate is met every year, but the new Tribal diversions prevent the lake from filling as high as in the Base Case. Flathead Lake discharges that are in excess of the 4(e) flows are also decreased because of the natural flows going to new Tribal diversions. These figures (15, 16, and 17) also show that the Natural Q plus 90k scenario, where 90,000 acre-feet is discharged from Hungry Horse Dam in the July through September period, Flathead Lake elevations recover higher than the Base Case in 1940 and 1988 (Figures 15 and 17). The Natural Q plus 90K scenario helps to achieve the objectives of meeting all the Tribal diversions during the summer and allowing a higher elevation in Flathead Lake when this

Results

scenario is compared to the Natural Q scenario.

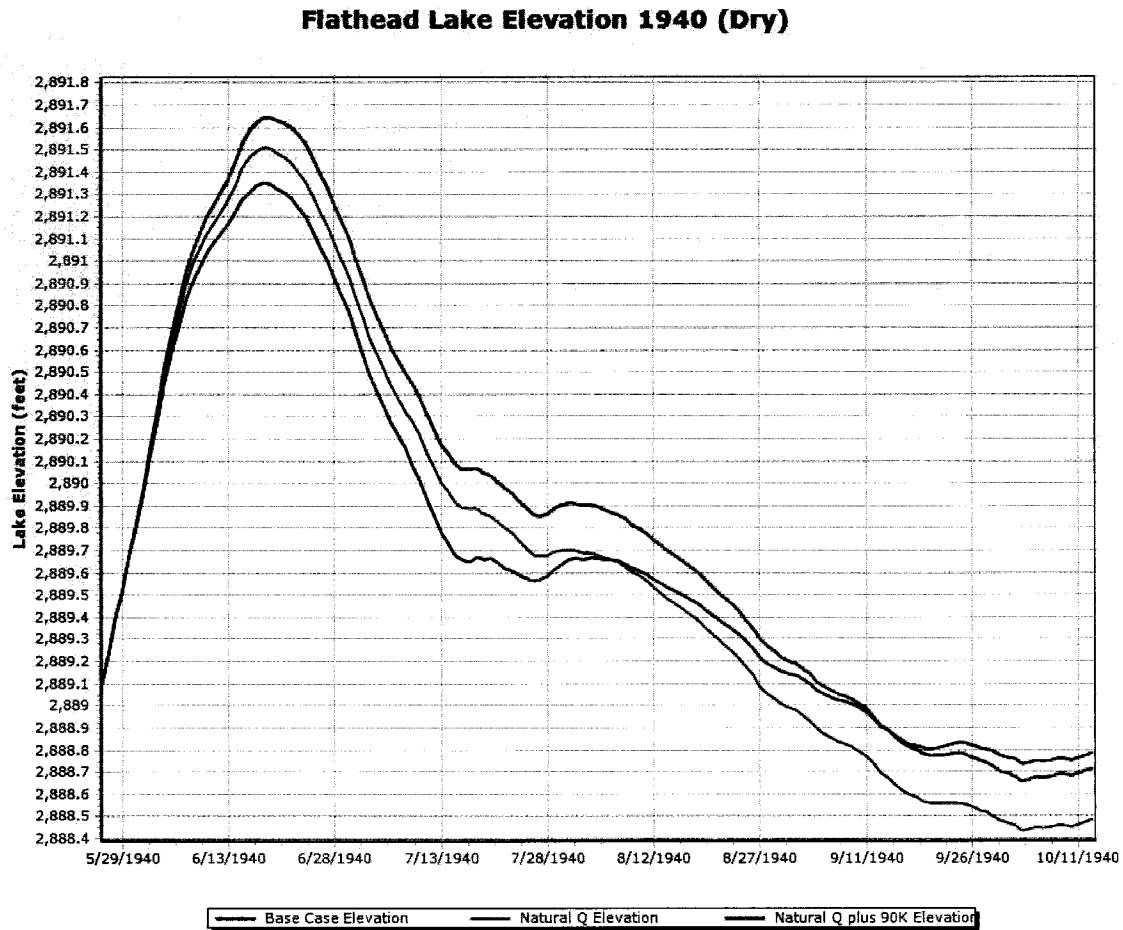


Figure 15. Flathead Lake Elevations Comparing Base Case, Natural Q and Natural Q plus 90K, 1940.

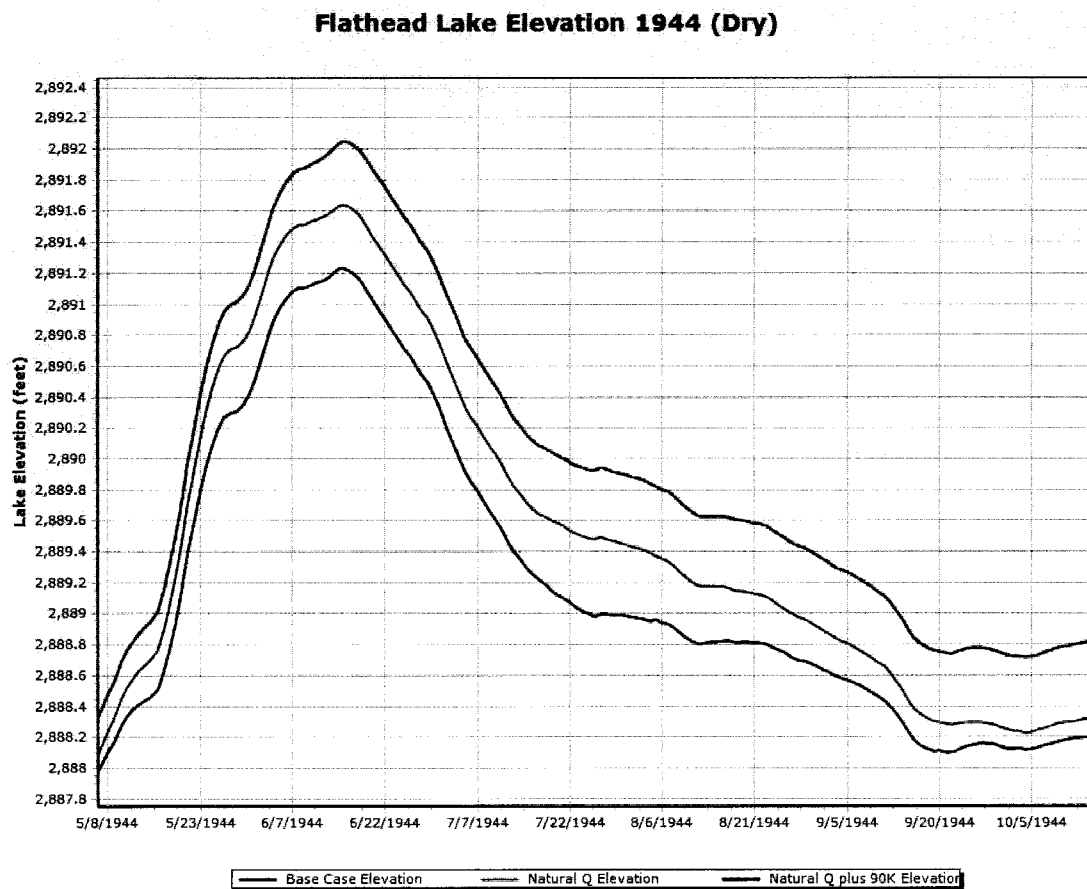


Figure 16. Flathead Lake Elevations Comparing Base Case, and Natural Q, and Natural Q plus 90K, 1944.

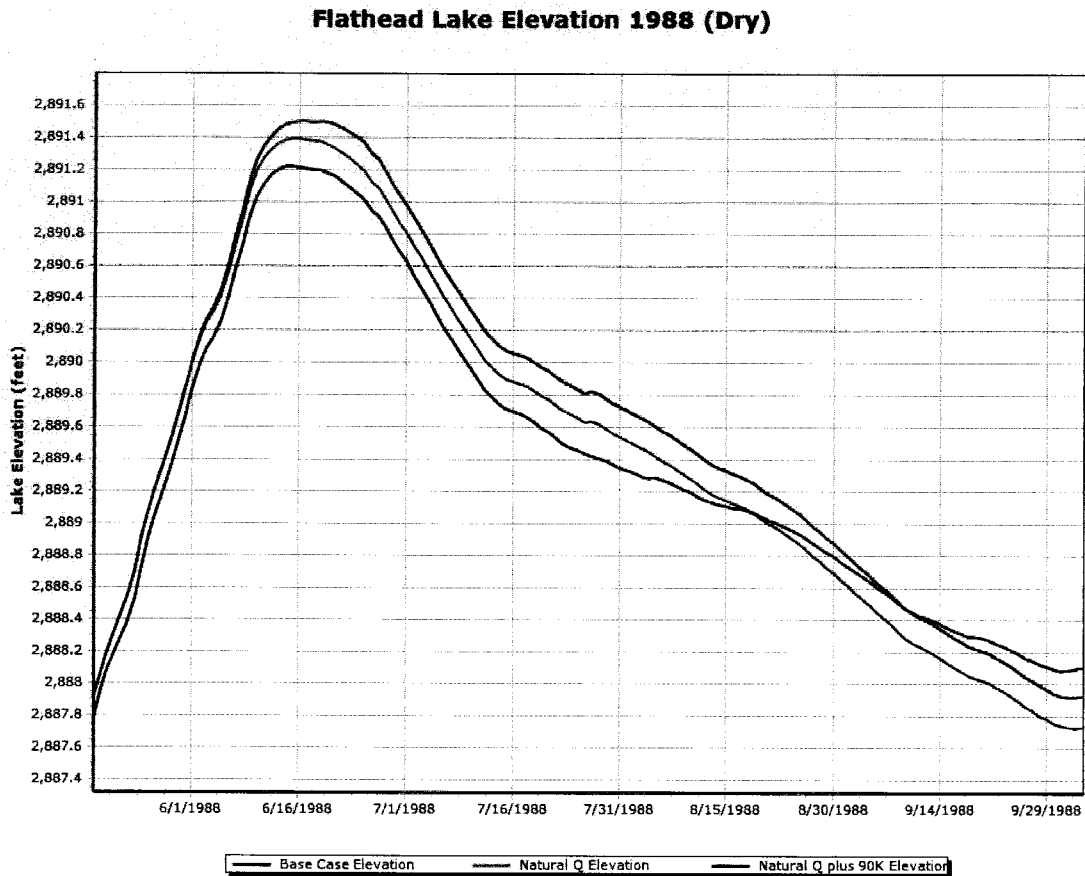


Figure 17. Flathead Lake Elevations Comparing Base Case and Natural Q, 1988.

Flathead River at Perma

Flows in the Flathead River at the Perma gage are analyzed because this is the last gage point on the Flathead River before it joins the Clark Fork. The total effects of the three scenarios on the change in flows from the Flathead River downstream can be compared at this gage.

Exceedance plots of the volumes of modeled flows on the Flathead River at Perma for the spring and summer migration periods are plotted on Figures 18 and 19. The spring migration period of April 10 through June 30 is shown on Figure 18. The differences in spring volumes between the Base Case, Natural Q scenario, and the Natural Q plus 90K scenario look small when compared to the total volume on the Flathead River for this period. The greatest difference in volumes when comparing the Natural Q to the Base Case was approximately 31,000 acre-feet (193 cfs average) which was less than 1 percent

of the total volume for this spring period. The greatest difference in volume between the Base Case and the Natural Q plus 90K scenario was about 133,000 acre-feet (828 cfs average) which was less than 4 percent of the total volume for the same period.

An exceedance plot of volume of modeled flows at Perma during the period of July 1 through September 30 is shown on Figure 19. This plot shows that the difference in volumes in most years is greater for the Natural Q scenario when compared to the Base Case than the Natural Q plus 90K scenario when compared to the Base Case. This is due to the discharge of the additional 90,000 acre-feet of water in the July through September period in the Natural Q plus 90K scenario. The greatest difference in volume for the Natural Q scenario when compared to the Base Case was approximately 113,000 acre-feet (619 cfs average) which was less than a 9 percent change of the total volume for this summer period. The greatest difference in the Natural Q plus 90K scenario and the Base Case was approximately 139,000 acre-feet (762 cfs average) which was about 13 percent of the total volume for the summer period. It should be noted that the most extreme volume changes for these two distinct migration periods do not occur during the same years.

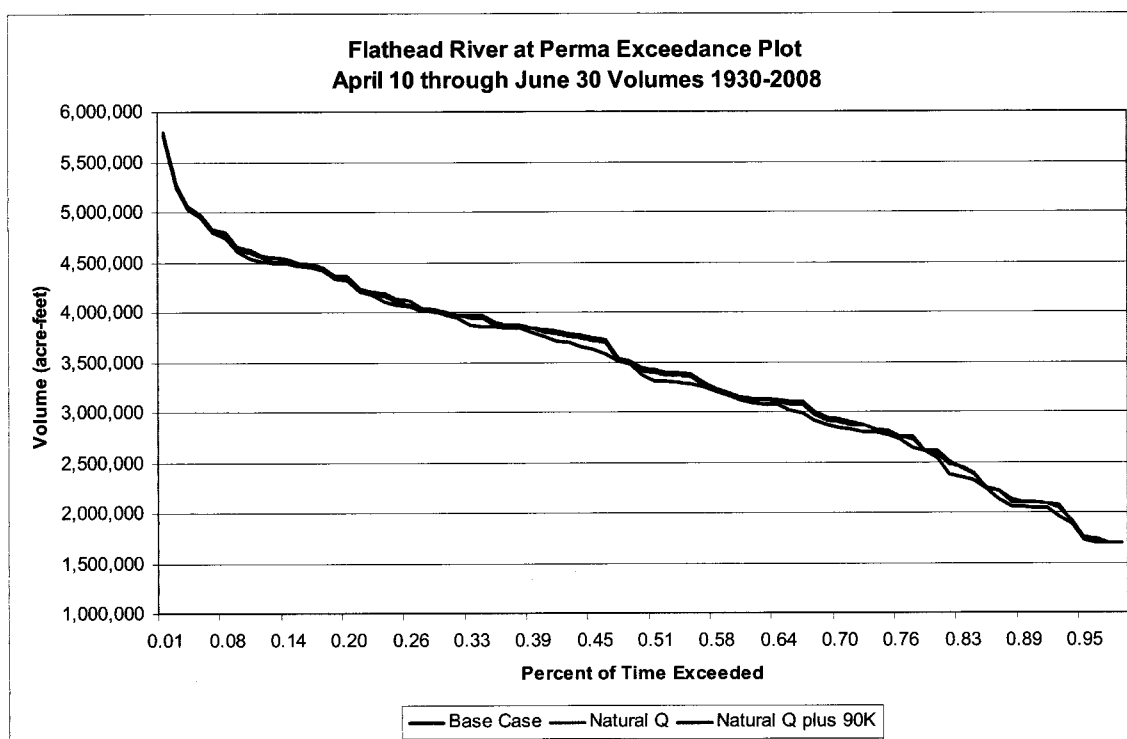


Figure 18. Flathead River at Perma Volume April 10 through June 30 (Spring Migration Period) Exceedance Plot.

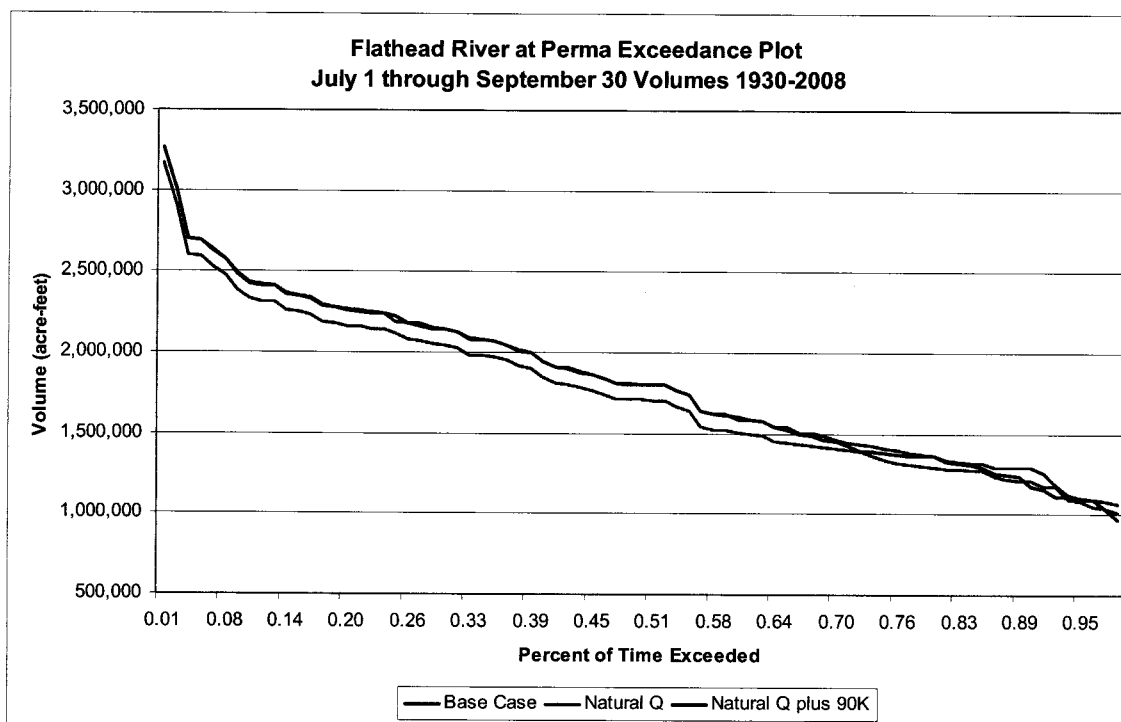


Figure 19. Flathead River at Perma Volume July 1 through September 30 (Summer Migration Period) Exceedance Plot.

Individual water years for the Flathead River at the Perma gage comparing the three scenarios are shown in Figures 20 and 21. These plots show the decrease in flows during the spring due the new Tribal diversions for the Natural Q and Natural Q plus 90K scenarios when compared to the Base Case. During the summer months, the decrease in flows is not as great for the Natural Q plus 90K scenario most years because of the additional 90,000 acre-feet of water discharged from Hungry Horse Reservoir during that period. The average annual difference in volumes at the Flathead River at Perma gage for the Natural Q scenario when compared to the Base Case is approximately 104,000 acre-feet, and for the Natural Q plus 90K scenario 120,000 acre-feet when compared to the Base Case. These amounts reflect the effects of the depletions from the new Tribal diversions.

Flathead River at Perma Discharge Water Year 1937 (Dry)

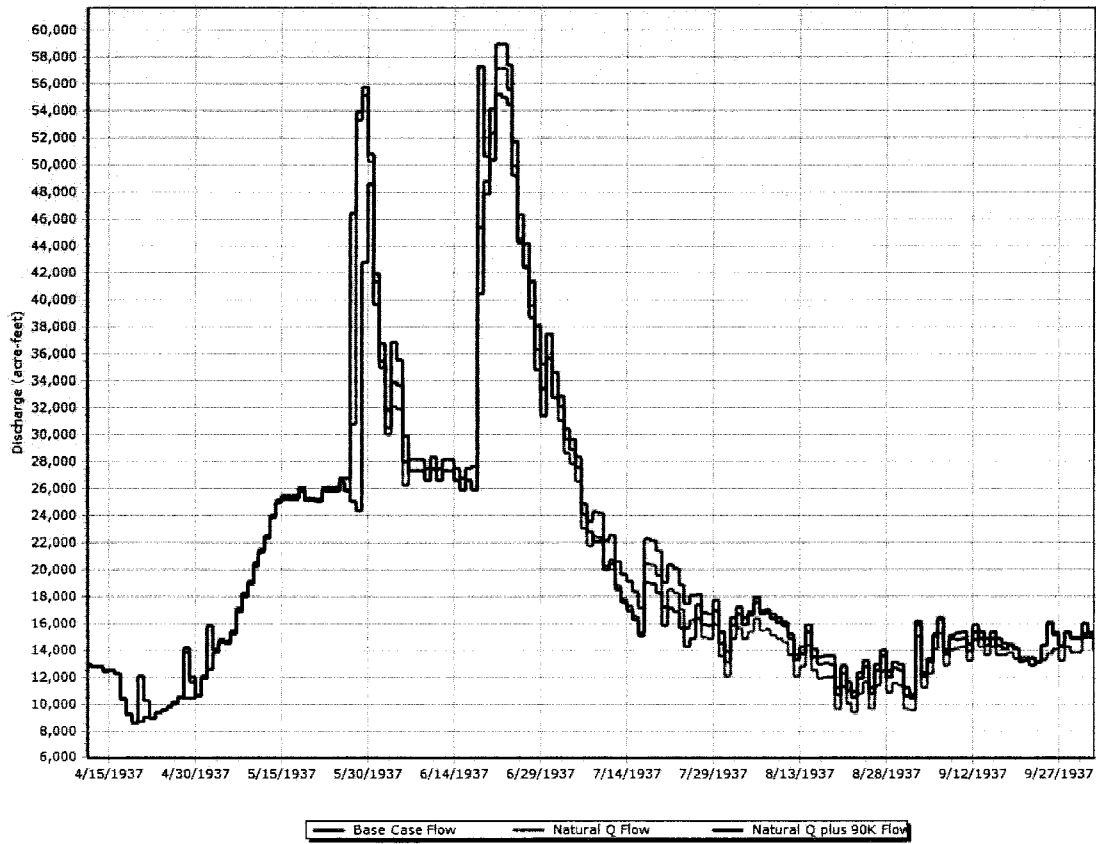


Figure 20. Flathead River at Perma Discharges in 1937, a below above average water year.

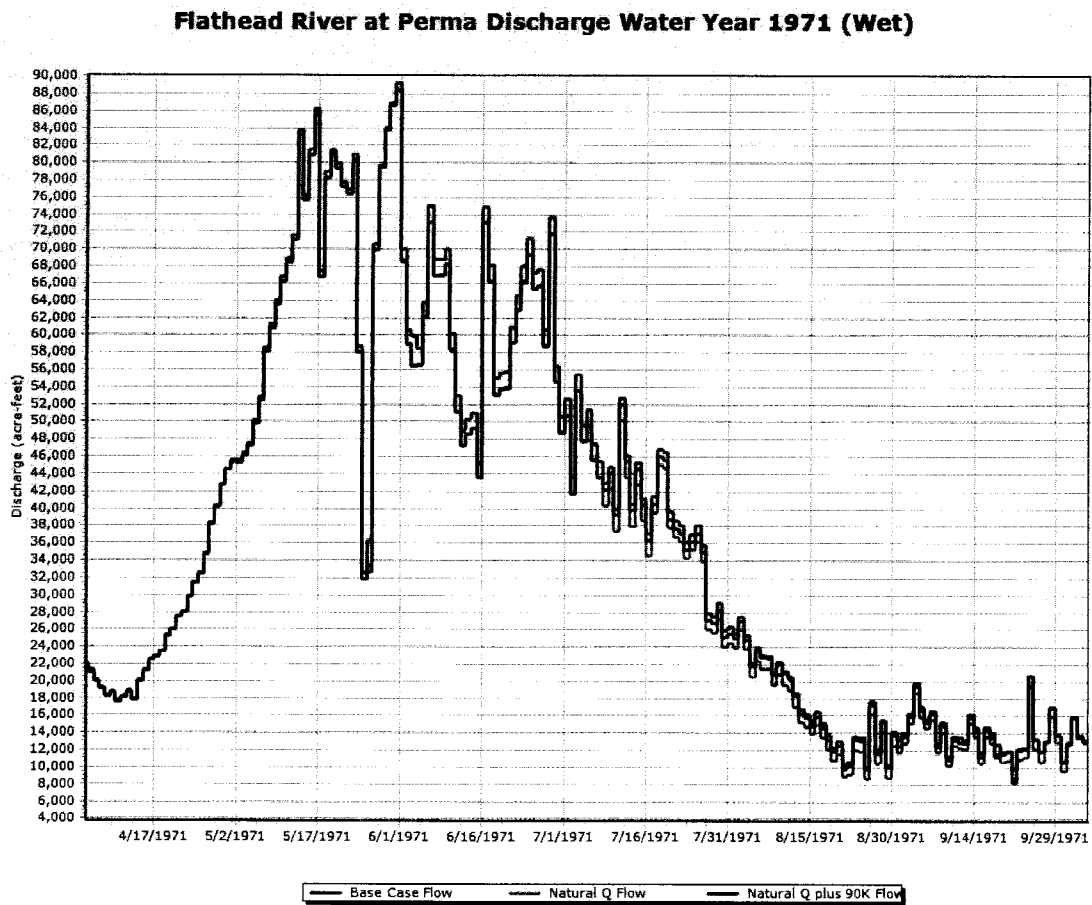


Figure 21. Flathead River at Perma Discharges in 1971, an above average water year.

Summary

The Flathead basin was modeled to analyze the effects of new Tribal diversions from Flathead Lake and the lower Flathead River. There were three scenarios modeled: the Base Case; the Natural Q scenario where natural flows were used to meet Tribal diversions as the highest priority; and the Natural Q plus 90K scenario where 90,000 acre-feet of extra storage is released from Hungry Horse Dam to supplement flows for the diversions and reduce the impacts to Flathead Lake storage.

The modeled results show that for Hungry Horse Reservoir there are no differences in the storage and discharges between the Base Case and the Natural Q scenario. The natural flow downstream of Hungry Horse Reservoir and normal Hungry Horse Dam discharges are able to meet the new diversions so additional discharges from Hungry Horse Dam are not required. For the Natural Q plus 90K scenario, the increased discharges from Hungry Horse Dam during the summer caused the reservoir elevation to be lower at the end of the summer which can affect the ability of Hungry Horse Reservoir to fill the following spring in dry years. An exceedance analysis of the annual maximum elevations of Hungry Horse Reservoir shows that in 86 percent of the water years, there is a one foot or less difference in elevations between the Base Case and the Natural Q plus 90K scenario. In above average water years, flood control releases would start before April 10, which starts the spring flow augmentation period, and the rest of the discharges over the spring and summer would not be decreased. In near average water years, Hungry Horse Dam discharges would be decreased in the spring because the reservoir would be entering the flood control at a lower elevation and less water would need to be released in the April 10 through June 30 period. In below average water years, the flow augmentation volume in the summer would be decreased because of the inability to fill to as high a level in the Natural Q plus 90K scenario as in the Base Case.

New Tribal diversions were not fully met with the Natural Q scenario in most of the water years. Shortages of 20,000 acre-feet or greater occur 20 percent of the time with the maximum shortages being 120,000 acre-feet in the March through September period. In the Natural Q plus 90K scenario, most of the diversion shortages were met with the extra 90,000 acre-feet released. There were less than 20,000 acre-feet of shortages for all of the years, with over 80 percent of the years having no shortages in the Natural Q plus 90K scenario. The shortages that do occur in this scenario occur in the March through June period and in October.

The new Tribal diversions can impact the summer elevation of Flathead Lake. In the modeling, no adjustments are made to the 4(e) outflows for drought management. A comparison of summer Flathead Lake elevations show that in 83 percent of the time over

Summary

the 70-year modeled period that there is no difference in summer elevations between the Base Case, the Natural Q scenario, and Natural Q plus 90K scenario. The greatest differences in elevation between the Base Case and the Natural Q plus 90K scenario is 0.4 feet which occurs less than 3 percent of the time over the 70-year modeled period. The differences in Flathead Lake summer elevations are due to the water in excess of the Flathead Lake flow right going to the new Tribal diversions rather than storage in Flathead Lake.

River flows at the Flathead River at Perma are decreased for the Natural Q and the Natural Q plus 90K scenarios when compared to the Base Case. The total volume decrease on an annual basis ranges from 104,000 to 120,000 acre-feet. The decreases in flows at the Perma gage are the greatest during the summer flow augmentation period of July through September with the differences being 9 percent of the total flow (619 cfs) for the Natural Q scenario and 13 percent of the flow (761 cfs) for the Natural Q plus 90K scenario.

The analysis done in this study may show the most extreme effects of the new Tribal diversions in the Flathead basin. This is because of the assumptions used in the model; the new Tribal diversions were set at the maximum amount and there was very little adaptive management of Hungry Horse and Flathead Lake operations. This analysis is not a proposal of current or future operations; it only gives results of possible effects that the new Tribal diversions could have on the Flathead basin given these rigid assumptions. The results are intended to give a starting point for further analysis of what effects new Tribal diversions could have in the Flathead basin.

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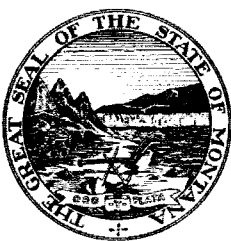
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STATE OF MONTANA



Hungry Horse Reservoir, Montana: Biological Impact Evaluation and Operational Constraints for a proposed 90,000-acre-foot withdrawal

September 14, 2011 (Revised Version)



Introduction

As part of reserved water rights negotiations among the Confederated Salish and Kootenai Tribes (Tribes), the State of Montana (State) and the United States, the Tribes have requested supplemental water, a portion of which (90,000 acre-feet or 90 KAF) is proposed to be withdrawn from Hungry Horse Reservoir. In an effort to address the potential biological impacts of the proposed withdrawals, the State offers the following overview, biological impact evaluation, and operational constraint recommendations. Flow model output from the US Bureau of Reclamation (BoR) was used as input to a Montana Fish, Wildlife & Parks (MFWP) biological model to evaluate impacts. The timing and volume of reservoir releases were based on Montana Department of Natural Resources and Conservation (DNRC) estimates of a highest- impact scenario, in which depletions were modeled as being made on a peak irrigation demand schedule and the reservoir withdrawals were timed to occur in the driest portion of the water year when withdrawals from the reservoir potentially have the highest impact on biota in the reservoir. It is anticipated that actual releases will extend earlier or later into the year and therefore cause fewer impacts than this highest-impact scenario. Based on these findings, the biological impacts of the proposed withdrawals are either non-existent or minimal in all but the driest 15 percentile water years. In those years, releasing the full 90 KAF is likely to significantly degrade the fishery habitat in the Reservoir. To mitigate these impacts, the State presents a withdrawal reduction schedule for operations during those driest water years that includes a suite of constraints to protect reservoir biology. Even with these constraints, no less than 45 KAF will be available for release from Hungry Horse Reservoir in 100% of the water years. The full 90 KAF will be available in approximately 85% of water years. The specific reductions in the withdrawal volume identified here are based on two sliding scales set forth in Appendix B. MFWP modeling indicates that the effects of these releases on the Flathead River downstream of the Reservoir are beneficial to the riverine biota.

Reservoir Overview

Hungry Horse Reservoir (Hungry Horse) is operated by the BoR and is intricately tied to the operation of the Federal Columbia River Power System (FCRPS), and private projects regulated by the Federal Energy Regulatory Commission (FERC), including Kerr Dam on the outlet of Flathead Lake (operated by PPL Montana).

Hungry Horse stores spring snowmelt and fills toward full pool elevation (elevation 3560 ft msl) in July. During fall and winter, the reservoir is drafted for electrical power generation and to evacuate storage space in the pool for flood risk management during spring runoff. Hungry Horse typically reaches minimum pool by mid-April and then begins to refill.

Hungry Horse Dam operations were designed to balance hydropower generation and flood control with fish restoration actions, as per the Columbia Basin Fish and Wildlife Program (NPCC, 2010). These rules are the culmination of two decades of field and laboratory research to determine the effects of dam operation on aquatic resources in Hungry Horse and the Flathead River downstream. The current operating strategy uses rule curves or monthly reservoir elevation targets that adjust up or down based on water supply. Downstream, similar rules limit Flathead River flows and rates of flow change (seasonal flow windows and ramping rates). Monthly water supply

forecasts that inform operational decisions are available from January through June of a given water year (earlier forecasts are available but less reliable). Forecasts estimate the inflow volume during the period April 1 through August 31, when inflows are highest.

Reservoir biota, including aquatic plants, plankton, insects, mollusks, amphibians and fish are influenced mainly by the depth of the annual reservoir drawdown and the extent of reservoir refill. Aquatic productivity is largely controlled by the volume and surface area of the reservoir during the productive summer months (June through September) and limited by the amount of habitat dewatered during the annual low pool (mid April). The fluctuating surface causes an expansive “varial zone” that can become biologically unproductive. Reservoir drawdown eliminates aquatic organisms in the dewatered zone, which must recolonize newly inundated habitat each year when the pool refills. Refill during July eliminates most terrestrial organisms that had become established during low water. Reservoir productivity is greater when the annual drawdown is minimized and reservoir refill is maximized.

Water temperature is another factor influencing biological productivity. A selective withdrawal device was retrofit on Hungry Horse Dam in 1996 to correct thermal pollution in the dam discharge. Prior to selective withdrawal, water released from deep in the reservoir seldom exceeded 41° F all year. Water at this temperature is lower than natural during summer and higher than natural during winter, and adversely impacted riverine biota. Selective withdrawal effectively eliminated artificial cooling during the biologically productive summer months and dam operators can now achieve a nearly natural annual temperature cycle (Christenson et al., 1995 and 1996; Marotz et al., 1996). This factor is therefore now deemed controllable.

Mainstem Amendments and Federal Biological Opinions

The Northwest Power and Conservation Council (Council) adopted Integrated Rule Curves (IRCs) for Hungry Horse Dam in 1994 and the overall operating plan was included in the Council’s Mainstem Amendments in 2004. However, the “Montana Operation” was not fully implemented until 2009. The US Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration (NOAA-Fisheries; 2008) included these specific dam operations as reasonable and prudent alternatives in their respective Biological Opinions (BiOp) concerning the operation of the FCRPS, as per the Endangered Species Act (ESA). The USFWS’s BiOp also contains actions to benefit bull trout, which are listed as threatened under ESA and occur upstream and downstream of Hungry Horse Dam. The NOAA-Fisheries’ 2008 BiOp and 2010 Supplemental BiOp call for releasing water from Hungry Horse during July through September to aid the recovery of anadromous fish species (mainly salmon) listed under ESA. These BiOps implement the Council’s plan to limit reservoir drawdown, improve refill and smooth flows in the Flathead River to benefit bull trout and other native fish species.

Reservoir Operations for Flood Risk Management

Originally, Hungry Horse was drawn down deeply to capture the entire spring snowmelt while maintaining a minimum flow in the Flathead River (3,500 cfs) during the runoff period. Beginning in 2001, a variable flow flood control strategy (VARQ) was implemented by the US Army Corps of Engineers (Corps) and the BoR at Hungry Horse Dam. This strategy aims to replicate a more

natural river flow pattern during spring runoff, while maintaining flood constraints. Consequently, VARQ requires less evacuated storage space, resulting in reduced reservoir drawdown and improved reservoir refill probability. When the reservoir fails to refill (due to error in water supply forecasts), the margin of error is minimized (i.e. the reservoir fills closer to full pool than under the earlier rules). VARQ was adopted into the NOAA-Fisheries and USFWS BiOps.

“Sliding” Reservoir Refill Date

The BoR also implemented a “sliding refill date” to prevent uncontrolled spill and associated gas supersaturation, which is harmful to fish downstream. Hungry Horse can safely refill earlier in dry years, but must refill later during high water years to avoid spilling or flooding. The date targeted for refill is calculated based on monthly forecasts of reservoir inflow, real-time observations of snow melt and precipitation and dam discharge. The refill rate is adjusted as the pool fills to assure that inflows decline to less than the maximum turbine capacity before the reservoir completely fills (if not, excess water must be discharged through the spillway).

Summertime Reservoir Drawdown for Salmon Recovery

Since 1995, Hungry Horse has been drafted as much as 20 feet during summer (usually during late August) to augment river flows in the Columbia River to help young salmon swim to the ocean. Previous NOAA-Fisheries BiOps attempted to meet a flow target of 200,000 cfs at McNary Dam in significant part by releasing water from Hungry Horse and Libby dams. This operation caused a damaging “double peak” in the Flathead and Kootenai rivers (an unnatural second peak in August after the naturalized spring freshet in early June). Independent scientists reviewed the operation and concluded that this operating strategy had little to no beneficial effect on salmon recovery, but caused damage to resident fish in the reservoirs and rivers downstream (ISAB, 1997 and 1997b). As a result, Montana contested this operation in two federal lawsuits.

NOAA-Fisheries’ 2008 BiOp and 2010 Supplemental BiOp limit the summertime drawdown to 10 feet from full pool when water supply is abundant (during the top 80th percentile water years as measured at The Dalles Dam). During drought years (driest 20th percentile), the pool may be drafted up to 20 feet from full pool. The effects of double peaking in the Flathead River were mitigated by extending flow augmentation from July through September to create a gradually declining river flow after the spring pulse.

To simulate real-time reservoir operations under the BiOps, the following rules are applied:

- Starting on about July 8, Hungry Horse is drawn down linearly from its fullest point to elevation 3550 by the end of September in 80% of the years (normal and wet years)
- Starting on about July 8, Hungry Horse is drawn down linearly from its fullest point to elevation 3540 by the end of September in 20% of the years (dry years)

Flathead River Operations: Minimum Stream Flow

Prior to Hungry Horse’s construction, natural annual flows were dominated by spring snowmelt that peaked in late May or early June. The spring freshet cleaned riverbed gravels and flushed fine sediments onto the riverbanks, where soils were bound by riparian vegetation. River stage then

gradually declined to stable, low conditions during late summer, fall and winter. Spring floods shaped the river channel and riverine biota adapted to this annual cycle.

To mimic these natural conditions as much as practicable, minimum flow targets have been established for the mainstem of the Flathead River at Columbia Falls. These targets range from 3,500 cfs to 3,200 cfs based on water availability. Hungry Horse Dam releases water to maintain this minimum flow when the combined flow of the North and Middle Forks of the Flathead River is less than 3,500 cfs. The minimum flow in the South Fork Flathead River downstream of Hungry Horse Dam is 900 cfs during abundant water years (wettest 60th percentile water years) and adjusts linearly from 900 cfs to 400 cfs as water supply declines (driest 40th percentile) (Marotz and Muhlfeld, 2000).

Minimum flow requirements below Hungry Horse Dam and below Columbia Falls were established by the USFWS BiOp. The minimum flow in the South Fork Flathead River is determined monthly starting with the January inflow forecast for Hungry Horse during the period of April 1 to August 31. These minimum flow requirements are shown in the table below.

If the April-August forecast is:	below Hungry Horse Dam	below Columbia Falls
greater than 1,790 KAF	900 cfs	3,500 cfs
1,190-1,790 KAF	400-900 cfs	3,200-3,500 cfs
less than 1,190 KAF	400 cfs	3,200 cfs

If river height at Columbia Falls reaches flood stage (at 13 feet, approx. 44,230 cfs), the minimum flow in the South Fork below Hungry Horse Dam can be reduced to 300 cfs.

Bull Trout Flow

The USFWS BiOp calls for stable summer flows in the Flathead River mainstem. Instream Flow Incremental Methodology (IFIM) research in the Flathead River revealed that stable flow in the range of 3,500 to 5,000 cfs provides optimal conditions for bull trout and other native fish species. Water released to augment flows for salmon recovery in the Columbia River now extends from July through September 30. Stable or gradually declining summertime flows are an improvement over the previous double peak operation. However, these unnaturally high flows during summer and fall provide less trout habitat than would be available at natural, pre-dam flow levels (USGS, 2010).

Ramping Rates and Restrictions downstream of Hungry Horse Dam

Flow fluctuations are harmful to fish, especially during the biologically productive summer months. The speed at which river flows can change is limited by flow ramping rates published in the USFWS BiOp. Ramping rates were developed based on the shape of the Flathead River channel and differ within three ranges of river flow, low, medium and high. Flows are allowed to increase faster than they can decline to reduce stranding of fish and insects. Flows can change more rapidly when the river is high and less rapidly when the river approaches minimum flow.

If the discharge below Columbia Falls is:	Restrict ramping UP by:
greater than 10,000 cfs	12,000 cfs /day
8,000 – 10,000 cfs	3,600 cfs / day
below 8,000 cfs	1,800 cfs / day
If the discharge below Columbia Falls is:	Restrict ramping DOWN by:
greater than 12,000 cfs	5,000 cfs /day
8,000 – 12,000 cfs	2,000 cfs / day
6,000 – 8,000 cfs	1,000 cfs / day
below 6,000 cfs	600 cfs / day

Biological Impacts of 90 KAF withdrawals

Hydrologic modeling by BoR assessed the potential systemic consequences of water depletions from Hungry Horse (BoR, 2010). The BoR modeling assumed that releases would occur during the period July through September, with the understanding that the timing of actual depletions may vary. The model output showed that releasing 90 KAF from Hungry Horse had no impact to reservoir refill during the highest 50th percentile water years (Figure 1), but indicated that water depletions may impact reservoir refill by causing a refill reduction of up to approximately 4.5 feet lower than the Base Case (current operating strategy) during years of low water supply. These impacts were greatest during the driest 15th percentile water years. During below average water years (15th to 50th percentile) the impact to reservoir refill was 1.5 feet or less, proportional to water supply. This deficit in reservoir elevation during July persists through fall, winter, and the following spring, and could be compounded when the inflowing water supply remains low for consecutive years, as could occur during successive years of drought.

Downstream, increased dam discharges generally enhance biological conditions in the river, except when releases from the dam fluctuate or deviate greatly from the natural annual hydrograph. Specifically, artificially high discharges during summer and fall results in less available fish habitat than would be present under natural, pre-dam conditions (USGS, 2010).

Additional simulations were performed by MFWP using the quantitative biological reservoir model (HRMOD) and a river model (RivBio) that calculates benthic biomass. Simulations used modified depletion schedules provided by the DNRC. The intent of these simulations was to evaluate potential biological responses to depletions of varying volumes, distributed over a longer period, May through October (Table 1). Habitat degradation as a result of reservoir withdrawal was linear as the depletion volume is incrementally increased. Data showed that biological impacts gradually increase proportional to the volume of water depletions. Biological impacts increase as the annual water supply decreases. Further, impacts to reservoir refill and depth of the annual reservoir drawdown are compounded during consecutive years of low water supply.

Model simulations showed that biological production in the reservoir food web declined proportionally to the extent of reservoir refill failure and the depth of the annual low pool elevation. As expected, biological impacts during below average water years (15th to 50th percentile) were less severe than during the driest 15th percentile water years. This result was likely due to the subtle difference in reservoir elevation (<1.5 ft), surface area, and volume in the

euphotic zone (warm sunlit surface waters) during the productive, warm months (July through September).

The greatest detectable impact caused by the <1.5 ft lower pool during the annual minimum in mid-April, was caused by desiccating more acres of reservoir bottom (approx. 150 acres or less) located in the SE end of the reservoir (Appendix A). Desiccation kills benthic insect larvae (Diptera, midges); pupae and emerging adult midges are the primary food for fish during spring and early summer. Greater than 1.5 foot pool reductions can also lead to complete desiccation of the entire upper bench, thereby eliminating rooted vegetation from an area in which would otherwise retain rooted hydrophytes. At times of higher reservoir fill, this bench provides substantial vegetation cover, thermal refugia, and terrestrial insect habitat overhanging the water that adds macro invertebrates to the aquatic food chain.

Figure 1. Exceedence plot of annual maximum pool elevations at Hungry Horse Reservoir comparing three alternative operating strategies. The Base Case and Natural flow(Q) alternatives are identical, to the red line is covered by the green line. Source: Reclamation 2010.

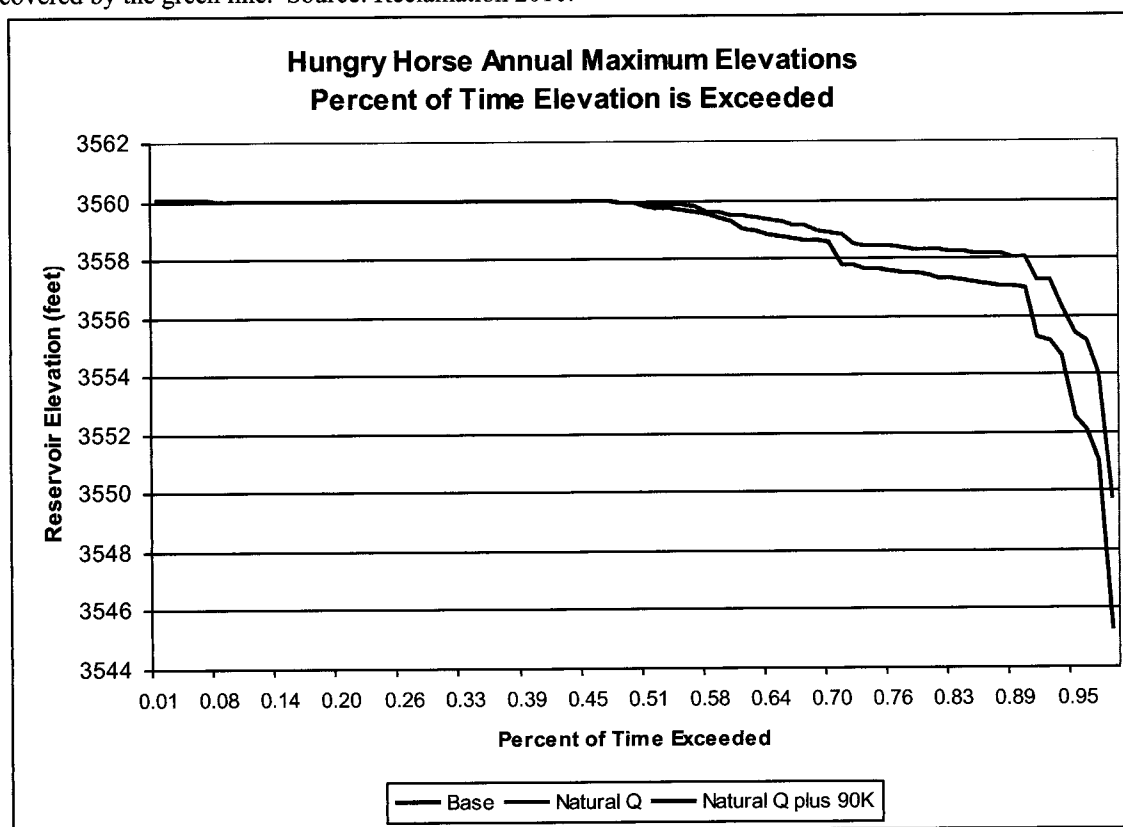


Table 1. Estimated monthly water depletions during the period May through October (the timing of actual depletions may vary) and incremental reductions.

May-Oct CSKT consumption (100%, 75%, 50%, and 25% of requested Volume)												
ESTIMATED UPPER LIMIT												
HKM Total Depletions to Flathead Lake and River - 128,158 AF Volume												
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
-1,078	-824	-311	-188	8,693	21,613	36,219	38,024	27,521	2,347	-2,163	-1,696	128,158
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
0.0%	0.0%	0.0%	0.0%	6.5%	16.1%	26.9%	28.3%	20.5%	1.7%	0.0%	0.0%	100%
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
0	0	0	0	5,820	14,471	24,251	25,459	18,427	1,571	0	0	90,000
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
0	0	0	0	4,365	10,853	18,188	19,094	13,820	1,179	0	0	67,500
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
0	0	0	0	2,910	7,236	12,125	12,730	9,213	786	0	0	45,000
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
0	0	0	0	1,455	3,618	6,063	6,365	4,607	393	0	0	22,500

HKM summary figures

DNRC Calculations

Operational Controls (Appendix B)

Biological impacts in Hungry Horse Reservoir can be reduced by 1) minimizing the depth of annual drawdown, 2) refilling to within 5 feet of full pool without creating a reduction in river discharges, 3) shaping reservoir refill to gradually fill and draft, so that maximal area of the shoreline substrate remains wet for more than 40 days during the biologically productive warm months July through September, 4) shaping water depletions during spring runoff to reduce demands during the basal, low flow period (e.g. store spring runoff for use during late summer and fall in off channel storage and/or aquifer injections), 5) or spreading depletions over a longer period (e.g. May–Oct period) to achieve 2–4 above, and 6) by standardizing the timing and volume of water depletions each year, as well as possible, to facilitate planning.

The first level or “primary” adjustment to annual water depletions can be accomplished using monthly water supply forecasts. Further “secondary” adjustments are required to respond to inflow forecasting error (over- or under-predictions). Secondary adjustments can be fine tuned

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
5						FLATHEAD

Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: FLATHEAD RIVER (FLATHEAD LAKE)

Diversion Means: ANY MEANS

Diversion Type: PRIMARY

6						FLATHEAD
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: FLATHEAD RIVER, SOUTH FORK

Diversion Means: ANY MEANS

Diversion Type: PRIMARY

ANY POINT OF DIVERSION FROM FLATHEAD LAKE, THE FLATHEAD RIVER, OR THE SOUTH FORK OF THE FLATHEAD RIVER, EITHER ON OR OFF OF THE FLATHEAD INDIAN RESERVATION.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
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ANY PLACE OF USE WITHIN FLATHEAD AND CLARK FORK RIVER BASINS WITHIN MONTANA.

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THE MAXIMUM ANNUAL VOLUME DIVERTED (229,383 ACRE-FEET) SHALL BE SUCH THAT IT IS LIMITED TO A MAXIMUM ANNUAL CONSUMED VOLUME OF 128,158 ACRE-FEET.

THE RELEASE OF UP TO 90,000 ACRE-FEET PER YEAR, AS MEASURED AT THE DAM, OF STORAGE WATER IN HUNGRY HORSE RESERVOIR SHALL BE LIMITED IN ACCORDANCE WITH THE "BIOLOGICAL IMPACT EVALUATION AND OPERATIONAL CONSTRAINTS FOR A PROPOSED 90,000 ACRE-FOOT WITHDRAWAL" (STATE OF MONTANA, SEPTEMBER 14, 2011) APPENDED TO THIS WATER RIGHT. THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA UPON MUTUAL WRITTEN AGREEMENT, AND IN CONFORMANCE WITH OTHER APPLICABLE PROVISIONS OF LAW INCLUDING BUT NOT LIMITED TO THE ENDANGERED SPECIES ACT OF 1973, 16 U.S.C. 1531, ET SEQ., MAY AMEND THE BIOLOGICAL IMPACT EVALUATION CONSTRAINTS IDENTIFIED IN THE SEPTEMBER 14, 2011 REPORT. SUCH AMENDMENTS SHALL BE CHRONICLED AND APPENDED TO THIS WATER RIGHT.

SEE 76LJ 30063812 MAP EXHIBIT(S) 1.

THE EXERCISE OF THIS WATER RIGHT SHALL ALSO CONFORM WITH THE FLATHEAD LAKE FILLING CRITERIA IDENTIFIED ON PAGE 12 OF THE UNITED STATES BUREAU OF RECLAMATION'S FINAL FLATHEAD BASIN DEPLETIONS STUDY (USBR, OCTOBER 2012) APPENDED TO THIS WATER RIGHT.

THE EXERCISE OF THIS WATER RIGHT SHALL CONFORM WITH THE MINIMUM INSTREAM FLOW SCHEDULES, AS MEASURED AT THE USGS GAGING STATION ON THE FLATHEAD RIVER AT COLUMBIA FALLS (12363000) AND THE USGS GAGING STATION ON THE FLATHEAD RIVER AT POLSON (12372000) AS IDENTIFIED IN TABLES 3 THROUGH 6 OF THE UNITED STATES BUREAU OF RECLAMATION'S FINAL FLATHEAD BASIN DEPLETIONS STUDY (USBR, OCTOBER 2012) APPENDED TO THIS WATER RIGHT, AS WELL AS THE MINIMUM FLOW REQUIREMENTS SET FORTH IN TABLE 5 AS MEASURED AT THE USGS GAGING STATION ON THE FLATHEAD RIVER AT PERMA (123887000). THE EXERCISE OF THIS WATER RIGHT SHALL ALSO CONFORM TO THE RAMPING RATES, AS MEASURED BELOW KERR AND HUNGRY HORSE DAMS, AND IDENTIFIED IN TABLES 3 THROUGH 6 OF THE UNITED STATES BUREAU OF RECLAMATION'S FINAL FLATHEAD BASIN DEPLETIONS STUDY (USBR, OCTOBER 2012) APPENDED TO THIS WATER RIGHT. IN THE EVENT THAT THE MINIMUM INSTREAM FLOW SCHEDULES OR RAMPING RATES ARE NOT MET, THE USE OF THIS WATER RIGHT SHALL BE SUSPENDED UNTIL SUCH TIME AS THOSE MINIMUM INSTREAM FLOW SCHEDULES AND RAMPING RATES ARE ACHIEVED. THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, UPON MUTUAL WRITTEN AGREEMENT, AND IN CONFORMANCE WITH APPLICABLE ENDANGERED SPECIES ACT AND FEDERAL ENERGY REGULATORY COMMISSION LICENSING REQUIREMENTS FOR THE THREE PREVIOUSLY IDENTIFIED SITES, MAY AMEND THE LIMITATIONS FOR RELEASES FROM HUNGRY HORSE RESERVOIR THAT ARE REQUIRED TO CONFORM WITH MINIMUM INSTREAM FLOW AND RAMPING RATE SCHEDULES AT THESE SITES. SUCH AMENDMENTS SHALL BE CHRONICLED AND APPENDED TO THIS WATER RIGHT.

Remarks:

THIS WATER RIGHT SHALL BE USED IN A MANNER THAT ENSURES IMPACTS ASSOCIATED WITH THE EXERCISE OF THIS WATER RIGHT ARE SUCH THAT THOSE IMPACTS ARE NO GREATER THAN THOSE IDENTIFIED IN MODEL RUN: NATURAL Q + 90K OF THE UNITED STATES BUREAU OF RECLAMATION'S FINAL FLATHEAD BASIN DEPLETIONS STUDY (USBR, OCTOBER 2012) APPENDED TO THIS WATER RIGHT. IN THE EVENT THAT THE IMPACTS EXCEED THOSE IDENTIFIED IN MODEL RUN: NATURAL Q + 90K OF THE UNITED STATES BUREAU OF RECLAMATION'S FINAL FLATHEAD BASIN DEPLETIONS STUDY, THE USE OF THE WATER RIGHT SHALL BE REDUCED IN SUCH AMOUNTS AS ARE NECESSARY TO IMMEDIATELY ACHIEVE IMPACTS THAT ARE NO GREATER THAN THOSE IDENTIFIED IN MODEL RUN: NATURAL Q + 90K OF THE UNITED STATES BUREAU OF RECLAMATION'S FINAL FLATHEAD BASIN DEPLETIONS STUDY.

ANY NEW DEVELOPMENT OF THIS WATER RIGHT OFF THE FLATHEAD INDIAN RESERVATION SHALL BE TREATED AS A CHANGE IN USE PURSUANT TO 85-2-302, 307-310 AND 314, MCA. PRIOR TO DEVELOPING THIS WATER RIGHT FOR BENEFICIAL USE OFF THE FLATHEAD INDIAN RESERVATION, THE USER MUST COMPLY WITH THE PROVISIONS OF SUBSECTIONS (1)-(3) AND (8)-(17) OF 85-2-402, MCA, AS THOSE PROVISIONS READ ON DECEMBER 31, 2012.

ANY NEW DEVELOPMENT OF THIS WATER RIGHT ON THE FLATHEAD INDIAN RESERVATION MAY ONLY PROCEED UPON THE ISSUANCE OF AN APPROPRIATION RIGHT FOR THE NEW DEVELOPMENT BY THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD PURSUANT TO THE LAW OF ADMINISTRATION.

THE TRIBES OR ANY PERSON USING DIVERSION OR TRANSPORTATION FACILITIES LOCATED OFF THE FLATHEAD INDIAN RESERVATION IN CONNECTION WITH A USE OF THIS WATER RIGHT, SHALL APPLY FOR AND OBTAIN ALL PERMITS, CERTIFICATES, VARIANCES AND OTHER AUTHORIZATIONS REQUIRED BY STATE LAWS REGULATING, CONDITIONING OR PERMITTING THE SITING, CONSTRUCTION, OPERATION, ALTERATION OR USE OF ANY EQUIPMENT, DEVICE, FACILITY OR ASSOCIATED FACILITY PROPOSED TO USE OR TRANSPORT WATER, PRIOR TO EXERCISING A USE OF THIS WATER RIGHT OFF THE RESERVATION.

THE CONFEDERATED SALISH AND KOOTENAI TRIBES MAY LEASE ANY PORTION OF THIS WATER RIGHT FOR USE ON OR OFF THE FLATHEAD INDIAN RESERVATION PURSUANT TO THE TERMS AND CONDITIONS SET FORTH IN ARTICLE IV.B.6.C OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THE TRIBES SHALL MAKE AVAILABLE FOR LEASE OFF THE RESERVATION 11,000 ACRE-FEET OF THIS WATER RIGHT FROM WATER STORED IN HUNGRY HORSE RESERVOIR, PURSUANT TO THE TERMS AND CONDITIONS SET FORTH IN ARTICLE IV.B.7 OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

AS INCREMENTAL PORTIONS OF THIS WATER RIGHT ARE USED, BOTH DIVERTED AND CONSUMED MONTHLY VOLUMES AS WELL AS MAXIMUM FLOW RATES SHALL BE ACCOUNTED FOR IN THE DNRC WATER RIGHTS DATABASE RECORD FOR 76L 30063812. THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD IS RESPONSIBLE FOR ENTERING INCREMENTAL USES OF THIS WATER RIGHT WHOSE PLACES OF USE ARE LOCATED ON THE FLATHEAD INDIAN RESERVATION; THE DNRC IS RESPONSIBLE FOR ENTERING INCREMENTAL USES OF THIS WATER RIGHT WHOSE PLACES OF USE ARE LOCATED OFF THE FLATHEAD INDIAN RESERVATION. RECORD UPDATES SHALL OCCUR IN A TIMELY MANNER UPON APPROVING USES ASSOCIATED WITH THIS WATER RIGHT.

THE CONFEDERATED SALISH AND KOOTENAI TRIBES MAY USE ANY OF AMOUNT OF THE 90,000 ACRE- FEET PER YEAR, AS MEASURED AT THE DAM, OF STORAGE WATER IN HUNGRY HORSE RESERVOIR THAT IS NOT NECESSARY TO BE RELEASED TO MITIGATE DOWNSTREAM DEPLETIONS IMPACTS ASSOCIATED WITH THE EXERCISE OF THIS DIRECT FLOW RIGHT, FOR ANY BENEFICIAL PURPOSE, SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, INCLUDING THE TOTAL DIVERSION AND DEPLETIONS VOLUMES OF THIS WATER RIGHT.

AS PART OF THIS WATER RIGHT, THE TRIBES SHALL BE ENTITLED TO AN ALLOCATION OF 90,000 ACRE- FEET PER YEAR, AS MEASURED AT THE HUNGRY HORSE DAM, OF STORAGE WATER IN HUNGRY HORSE RESERVOIR.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052674 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 2.50 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN LOLO
CREEK (SESE SEC 33 T25N R19W) (LAT 47° 52' 51.30" N LONG 114° 0' 45.70" W).

Maximum Volume:

Source Name: LOLO CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		SESE	33	25N	19W	LAKE	
Period of Diversion:							Flow Rate:
JANUARY 1 TO JANUARY 31							0.20 CFS
FEBRUARY 1 TO FEBRUARY 28							Flow Rate: 0.20 CFS
MARCH 1 TO MARCH 31							Flow Rate: 0.40 CFS
APRIL 1 TO APRIL 30							Flow Rate: 0.70 CFS
MAY 1 TO MAY 31							Flow Rate: 2.00 CFS
JUNE 1 TO JUNE 30							Flow Rate: 2.50 CFS
JULY 1 TO JULY 31							Flow Rate: 1.40 CFS
AUGUST 1 TO AUGUST 31							Flow Rate: 0.70 CFS
SEPTEMBER 1 TO SEPTEMBER 30							Flow Rate: 0.50 CFS
OCTOBER 1 TO OCTOBER 31							Flow Rate: 0.40 CFS
NOVEMBER 1 TO NOVEMBER 30							Flow Rate: 0.40 CFS
DECEMBER 1 TO DECEMBER 31							Flow Rate: 0.30 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY
THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				33	25N	19W	LAKE
2				34	25N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

SEE 30052674 MAP EXHIBIT(S) 1.

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052675 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 13.80 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
YELLOW BAY CREEK (NWNW SEC 2 T24N R19W) (LAT 47° 52' 36.38" N LONG 114°
0' 9.38" W).

Maximum Volume:

Source Name: YELLOW BAY CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNW	2	24N	19W	LAKE
Period of Diversion:						Flow Rate:
JANUARY 1 TO JANUARY 31						1.20 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 1.10 CFS
MARCH 1 TO MARCH 31						Flow Rate: 2.20 CFS
APRIL 1 TO APRIL 30						Flow Rate: 3.80 CFS
MAY 1 TO MAY 31						Flow Rate: 10.80 CFS
JUNE 1 TO JUNE 30						Flow Rate: 13.80 CFS
JULY 1 TO JULY 31						Flow Rate: 7.90 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 3.60 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 2.50 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 2.10 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 2.20 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 1.80 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				1	24N	19W	LAKE
2				2	24N	19W	LAKE
3				31	25N	18W	LAKE
4				34	25N	19W	LAKE
5				35	25N	19W	LAKE
6				36	25N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE
USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO
SATISFY THIS RIGHT.

PROPOSED.V1.2015

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052675 MAP EXHIBIT(S) 1.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052676 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 2.80 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN THE
UNNAMED TRIBUTARY OF FLATHEAD LAKE (SESW SEC 3 T24N R19W) (LAT 47°
51' 48.91" N LONG 114° 1' 17.25" W).

Maximum Volume:

Source Name: UNNAMED TRIBUTARY OF FLATHEAD RIVER (FLATHEAD LAKE)

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESW	3	24N	19W	LAKE
Period of Diversion: JANUARY 1 TO JANUARY 31						Flow Rate: 0.20 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 0.20 CFS
MARCH 1 TO MARCH 31						Flow Rate: 0.50 CFS
APRIL 1 TO APRIL 30						Flow Rate: 0.80 CFS
MAY 1 TO MAY 31						Flow Rate: 2.20 CFS
JUNE 1 TO JUNE 30						Flow Rate: 2.80 CFS
JULY 1 TO JULY 31						Flow Rate: 1.60 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 0.70 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 0.50 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 0.40 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 0.40 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 0.40 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				2	24N	19W	LAKE
2				3	24N	19W	LAKE
3				10	24N	19W	LAKE
4				11	24N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052676 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052677 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 12.20 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN BLUE
BAY CREEK (NENW SEC 15 T24N R19W) (LAT 47° 50' 45.26" N LONG 114° 1' 18.75"
W).

Maximum Volume:

Source Name: BLUE BAY CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		NENW	15	24N	19W	LAKE	
Period of Diversion:							Flow Rate:
JANUARY 1 TO JANUARY 31							1.00 CFS
FEBRUARY 1 TO FEBRUARY 28							Flow Rate: 1.00 CFS
MARCH 1 TO MARCH 31							Flow Rate: 2.00 CFS
APRIL 1 TO APRIL 30							Flow Rate: 3.40 CFS
MAY 1 TO MAY 31							Flow Rate: 9.50 CFS
JUNE 1 TO JUNE 30							Flow Rate: 12.20 CFS
JULY 1 TO JULY 31							Flow Rate: 7.00 CFS
AUGUST 1 TO AUGUST 31							Flow Rate: 3.20 CFS
SEPTEMBER 1 TO SEPTEMBER 30							Flow Rate: 2.20 CFS
OCTOBER 1 TO OCTOBER 31							Flow Rate: 1.90 CFS
NOVEMBER 1 TO NOVEMBER 30							Flow Rate: 1.90 CFS
DECEMBER 1 TO DECEMBER 31							Flow Rate: 1.50 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				7	24N	18W	LAKE
2				11	24N	19W	LAKE
3				12	24N	19W	LAKE
4				14	24N	19W	LAKE
5				15	24N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER
RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE
OF MONTANA, AND THE UNITED STATES OF AMERICA.

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

SEE 30052677 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052678 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 4.50 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN TEEPEE
CREEK (SESW SEC 22 T24N R19W) (LAT 47° 49' 21.35" N LONG 114° 1' 16.70" W).

Maximum Volume:

Source Name: TEEPEE CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESW	22	24N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate: 0.40 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate: 0.40 CFS
MARCH 1 TO MARCH 31	Flow Rate: 0.70 CFS
APRIL 1 TO APRIL 30	Flow Rate: 1.20 CFS
MAY 1 TO MAY 31	Flow Rate: 3.50 CFS
JUNE 1 TO JUNE 30	Flow Rate: 4.50 CFS
JULY 1 TO JULY 31	Flow Rate: 2.60 CFS
AUGUST 1 TO AUGUST 31	Flow Rate: 1.20 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate: 0.80 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate: 0.70 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate: 0.70 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate: 0.60 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				18	24N	18W	LAKE
2				13	24N	19W	LAKE
3				14	24N	19W	LAKE
4				22	24N	19W	LAKE
5				23	24N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE
USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO
SATISFY THIS RIGHT.

Remarks:

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

SEE 30052678 MAP EXHIBIT(S) 1.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052679 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate: 5.10 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
TALKING WATER CREEK (NENE SEC 27 T24N R19W) (LAT 47° 48' 58.35" N LONG
114° 0' 31.39" W).

Maximum Volume:

Source Name: TALKING WATER CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENE	27	24N	19W	LAKE
Period of Diversion:						Flow Rate:
JANUARY 1 TO JANUARY 31						1.20 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 1.30 CFS
MARCH 1 TO MARCH 31						Flow Rate: 1.40 CFS
APRIL 1 TO APRIL 30						Flow Rate: 2.20 CFS
MAY 1 TO MAY 31						Flow Rate: 4.30 CFS
JUNE 1 TO JUNE 30						Flow Rate: 5.10 CFS
JULY 1 TO JULY 31						Flow Rate: 2.60 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 2.10 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 2.10 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 1.30 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 1.30 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 1.30 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				19	24N	18W	LAKE
2				20	24N	18W	LAKE
3				23	24N	19W	LAKE
4				24	24N	19W	LAKE
5				26	24N	19W	LAKE
6				27	24N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

SEE 30052679 MAP EXHIBIT(S) 1.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052680 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 19.10 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
BOULDER CREEK (SWSW SEC 35 T24N R19W) (LAT 47° 48' 18.27" N LONG 114° 0'
13.14" W).

Maximum Volume:

Source Name: BOULDER CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		SWSW	35	24N	19W	LAKE	
Period of Diversion: JANUARY 1 TO JANUARY 31							Flow Rate: 4.60 CFS
FEBRUARY 1 TO FEBRUARY 28							Flow Rate: 4.70 CFS
MARCH 1 TO MARCH 31							Flow Rate: 5.30 CFS
APRIL 1 TO APRIL 30							Flow Rate: 8.10 CFS
MAY 1 TO MAY 31							Flow Rate: 16.10 CFS
JUNE 1 TO JUNE 30							Flow Rate: 19.10 CFS
JULY 1 TO JULY 31							Flow Rate: 9.50 CFS
AUGUST 1 TO AUGUST 31							Flow Rate: 7.80 CFS
SEPTEMBER 1 TO SEPTEMBER 30							Flow Rate: 7.80 CFS
OCTOBER 1 TO OCTOBER 31							Flow Rate: 4.90 CFS
NOVEMBER 1 TO NOVEMBER 30							Flow Rate: 4.90 CFS
DECEMBER 1 TO DECEMBER 31							Flow Rate: 4.80 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				29	24N	18W	LAKE
2				30	24N	18W	LAKE
3				25	24N	19W	LAKE
4				26	24N	19W	LAKE
5				35	24N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE
USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO
SATISFY THIS RIGHT.

Remarks:

SEE 30052680 MAP EXHIBIT(S) 1.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052681 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 3.10 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN DEE
CREEK (SESE SEC 34 T24N R19W) (LAT 47° 47' 27.16" N LONG 114° 0' 25.45" W).

Maximum Volume:

Source Name: DEE CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESE	34	24N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate: 0.70 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate: 0.80 CFS
MARCH 1 TO MARCH 31	Flow Rate: 0.90 CFS
APRIL 1 TO APRIL 30	Flow Rate: 1.30 CFS
MAY 1 TO MAY 31	Flow Rate: 2.60 CFS
JUNE 1 TO JUNE 30	Flow Rate: 3.10 CFS
JULY 1 TO JULY 31	Flow Rate: 1.50 CFS
AUGUST 1 TO AUGUST 31	Flow Rate: 1.30 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate: 1.30 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate: 0.80 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate: 0.80 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate: 0.80 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				2	23N	19W	LAKE
2				34	24N	19W	LAKE
3				35	24N	19W	LAKE
4				36	24N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052681 MAP EXHIBIT(S) 1.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER
RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE
OF MONTANA, AND THE UNITED STATES OF AMERICA.

Remarks:

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052682 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 2.40 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN THE
UNNAMED TRIBUTARY OF FLATHEAD LAKE (NENE SEC 10 T23N R19W) (LAT 47°
46' 22.57" N LONG 114° 0' 36.90" W).

Maximum Volume:

Source Name: UNNAMED TRIBUTARY OF FLATHEAD RIVER (FLATHEAD LAKE)

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENE	10	23N	19W	LAKE
Period of Diversion:						Flow Rate:
JANUARY 1 TO JANUARY 31						0.60 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 0.60 CFS
MARCH 1 TO MARCH 31						Flow Rate: 0.70 CFS
APRIL 1 TO APRIL 30						Flow Rate: 0.10 CFS
MAY 1 TO MAY 31						Flow Rate: 2.00 CFS
JUNE 1 TO JUNE 30						Flow Rate: 2.40 CFS
JULY 1 TO JULY 31						Flow Rate: 1.20 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 1.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 1.00 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 0.60 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 0.60 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 0.60 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				6	23N	18W	LAKE
2				7	23N	18W	LAKE
3				10	23N	19W	LAKE
4				11	23N	19W	LAKE
5				12	23N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052682 MAP EXHIBIT(S) 1.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052683 COMPACT
Version: 1 -- ORIGINAL RIGHT
Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 6.70 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
STATION CREEK (NWNW SEC 11 T23N R19W) (LAT 47° 45' 40.16" N LONG 114° 0'
3.38" W).

Maximum Volume:

Source Name: STATION CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		NWNW	11	23N	19W	LAKE	
Period of Diversion:							Flow Rate:
JANUARY 1 TO JANUARY 31							1.00 CFS
FEBRUARY 1 TO FEBRUARY 28							Flow Rate: 0.90 CFS
MARCH 1 TO MARCH 31							Flow Rate: 1.20 CFS
APRIL 1 TO APRIL 30							Flow Rate: 1.80 CFS
MAY 1 TO MAY 31							Flow Rate: 5.30 CFS
JUNE 1 TO JUNE 30							Flow Rate: 6.70 CFS
JULY 1 TO JULY 31							Flow Rate: 2.30 CFS
AUGUST 1 TO AUGUST 31							Flow Rate: 1.70 CFS
SEPTEMBER 1 TO SEPTEMBER 30							Flow Rate: 1.60 CFS
OCTOBER 1 TO OCTOBER 31							Flow Rate: 1.00 CFS
NOVEMBER 1 TO NOVEMBER 30							Flow Rate: 1.10 CFS
DECEMBER 1 TO DECEMBER 31							Flow Rate: 1.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				7	23N	18W	LAKE
2				8	23N	18W	LAKE
3				11	23N	19W	LAKE
4				12	23N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

SEE 30052683 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052684 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 13.30 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN SKIDOO
CREEK (NESW SEC 22 T23N R19W) (LAT 47° 44' 21.96" N LONG 114° 1' 1.93" W).

Maximum Volume:

Source Name: SKIDOO CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESW	22	23N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate: 1.90 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate: 1.90 CFS
MARCH 1 TO MARCH 31	Flow Rate: 2.30 CFS
APRIL 1 TO APRIL 30	Flow Rate: 3.60 CFS
MAY 1 TO MAY 31	Flow Rate: 10.70 CFS
JUNE 1 TO JUNE 30	Flow Rate: 13.30 CFS
JULY 1 TO JULY 31	Flow Rate: 4.70 CFS
AUGUST 1 TO AUGUST 31	Flow Rate: 3.40 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate: 3.30 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate: 2.10 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate: 2.30 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate: 2.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				22	23N	19W	LAKE
2				23	23N	19W	LAKE
3				24	23N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE
USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO
SATISFY THIS RIGHT.

SEE 30052684 MAP EXHIBIT(S) 1.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052685 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 2.50 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
HOLMES CREEK (SWSE SEC 22 T23N R19W) (LAT 47° 44' 4.37" N LONG 114° 1'
1.15" W).

Maximum Volume:

Source Name: HOLMES CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSE	22	23N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate: 0.40 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate: 0.30 CFS
MARCH 1 TO MARCH 31	Flow Rate: 0.40 CFS
APRIL 1 TO APRIL 30	Flow Rate: 0.70 CFS
MAY 1 TO MAY 31	Flow Rate: 2.00 CFS
JUNE 1 TO JUNE 30	Flow Rate: 2.50 CFS
JULY 1 TO JULY 31	Flow Rate: 0.90 CFS
AUGUST 1 TO AUGUST 31	Flow Rate: 0.60 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate: 0.60 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate: 0.40 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate: 0.40 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate: 0.40 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				22	23N	19W	LAKE
2				25	23N	19W	LAKE
3				26	23N	19W	LAKE
4				27	23N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

SEE 30052685 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052686 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 49.80 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
HELLROARING CREEK (NESW SEC 34 T23N R19W) (LAT 47° 42' 32.16" N LONG
114° 1' 11.23" W).

Maximum Volume:

Source Name: HELLROARING CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESW	34	23N	19W	LAKE
Period of Diversion:						Flow Rate:
JANUARY 1 TO JANUARY 31						7.20 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 7.00 CFS
MARCH 1 TO MARCH 31						Flow Rate: 8.70 CFS
APRIL 1 TO APRIL 30						Flow Rate: 13.60 CFS
MAY 1 TO MAY 31						Flow Rate: 40.00 CFS
JUNE 1 TO JUNE 30						Flow Rate: 49.80 CFS
JULY 1 TO JULY 31						Flow Rate: 17.60 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 12.80 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 12.20 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 7.80 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 8.60 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 7.60 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				6	22N	18W	LAKE
2				1	22N	19W	LAKE
3				34	23N	19W	LAKE
4				35	23N	19W	LAKE
5				36	23N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

SEE 30052686 MAP EXHIBIT(S) 1.

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052687 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 6.80 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
CENTIPEDE CREEK (SESW SEC 4 T22N R19W) (LAT 47° 41' 24.28" N LONG 114° 2'
33.65" W).

Maximum Volume:

Source Name: CENTIPEDE CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESW	4	22N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate: 0.80 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate: 0.80 CFS
MARCH 1 TO MARCH 31	Flow Rate: 1.00 CFS
APRIL 1 TO APRIL 30	Flow Rate: 2.10 CFS
MAY 1 TO MAY 31	Flow Rate: 5.40 CFS
JUNE 1 TO JUNE 30	Flow Rate: 6.80 CFS
JULY 1 TO JULY 31	Flow Rate: 2.30 CFS
AUGUST 1 TO AUGUST 31	Flow Rate: 1.70 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate: 1.60 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate: 0.90 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate: 1.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate: 0.90 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				2	22N	19W	LAKE
2				3	22N	19W	LAKE
3				4	22N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER
RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE
OF MONTANA, AND THE UNITED STATES OF AMERICA.

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052687 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052691 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 187.40 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN BIG
CREEK (SWNW SEC 22 T22N R19W) (LAT 47° 39' 19.41" N LONG 114° 1' 39.75" W).

Maximum Volume:

Source Name: BIG CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		SWNW	22	22N	19W	LAKE	
Period of Diversion:							
JANUARY 1 TO JANUARY 31							Flow Rate: 0.90 CFS
FEBRUARY 1 TO FEBRUARY 28							Flow Rate: 0.70 CFS
MARCH 1 TO MARCH 31							Flow Rate: 1.60 CFS
APRIL 1 TO APRIL 30							Flow Rate: 5.10 CFS
MAY 1 TO MAY 31							Flow Rate: 108.70 CFS
JUNE 1 TO JUNE 30							Flow Rate: 187.40 CFS
JULY 1 TO JULY 31							Flow Rate: 11.10 CFS
AUGUST 1 TO AUGUST 31							Flow Rate: 4.60 CFS
SEPTEMBER 1 TO SEPTEMBER 30							Flow Rate: 3.80 CFS
OCTOBER 1 TO OCTOBER 31							Flow Rate: 1.20 CFS
NOVEMBER 1 TO NOVEMBER 30							Flow Rate: 1.50 CFS
DECEMBER 1 TO DECEMBER 31							Flow Rate: 1.10 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				22	22N	19W	LAKE
2				23	22N	19W	LAKE
3				25	22N	19W	LAKE
4				26	22N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE
USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO
SATISFY THIS RIGHT.

SEE 30052691 MAP EXHIBIT(S) 1.

Remarks:

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052692 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 78.40 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
POIRIER CREEK (NWSW SEC 27 T22N R19W) (LAT 47° 38' 16.90" N LONG 114° 1'
39.34" W).

Maximum Volume:

Source Name: POIRIER CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSW	27	22N	19W	LAKE
Period of Diversion: JANUARY 1 TO JANUARY 31						Flow Rate: 1.10 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 1.00 CFS
MARCH 1 TO MARCH 31						Flow Rate: 4.30 CFS
APRIL 1 TO APRIL 30						Flow Rate: 10.00 CFS
MAY 1 TO MAY 31						Flow Rate: 78.40 CFS
JUNE 1 TO JUNE 30						Flow Rate: 59.10 CFS
JULY 1 TO JULY 31						Flow Rate: 7.00 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 2.40 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 1.40 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 1.30 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 1.50 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 1.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				26	22N	19W	LAKE
2				27	22N	19W	LAKE
3				35	22N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

SEE 30052692 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052693 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 43.20 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN NORTH
ASHLEY CREEK (SWSE SEC 33 T22N R19W) (LAT 47° 37' 52.09" N LONG 114° 2'
3.66" W).

Maximum Volume:

Source Name: ASHLEY CREEK
Source Type: SURFACE WATER

ALSO KNOWN AS NORTH ASHLEY CREEK
THE SOURCE IS A TRIBUTARY OF MUD CREEK.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSE	33	22N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	0.60 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	0.50 CFS
MARCH 1 TO MARCH 31	Flow Rate:	2.40 CFS
APRIL 1 TO APRIL 30	Flow Rate:	5.50 CFS
MAY 1 TO MAY 31	Flow Rate:	43.20 CFS
JUNE 1 TO JUNE 30	Flow Rate:	32.50 CFS
JULY 1 TO JULY 31	Flow Rate:	3.90 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	1.30 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	0.80 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	0.70 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	0.90 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	0.50 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				33	22N	19W	LAKE
2				34	22N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052693 MAP EXHIBIT(S) 1.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER
RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE
OF MONTANA, AND THE UNITED STATES OF AMERICA.

PROPOSED.V1.2015

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052694 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 29.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN MUD
CREEK (NWNW SEC 33 T22N R19W) (LAT 47° 37' 43.72" N LONG 114° 2' 47.53" W).

Maximum Volume:

Source Name: MUD CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNW	33	22N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate: 1.40 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate: 1.10 CFS
MARCH 1 TO MARCH 31	Flow Rate: 1.40 CFS
APRIL 1 TO APRIL 30	Flow Rate: 4.00 CFS
MAY 1 TO MAY 31	Flow Rate: 22.50 CFS
JUNE 1 TO JUNE 30	Flow Rate: 29.00 CFS
JULY 1 TO JULY 31	Flow Rate: 17.20 CFS
AUGUST 1 TO AUGUST 31	Flow Rate: 4.20 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate: 2.30 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate: 1.80 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate: 1.70 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate: 1.20 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				1	21N	19W	LAKE
2				2	21N	19W	LAKE
3				3	21N	19W	LAKE
4				33	22N	19W	LAKE
5				34	22N	19W	LAKE
6				35	22N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052694 MAP EXHIBIT(S) 1.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052695 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 52.20 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
COURVILLE CREEK (SWNW SEC 3 T21N R19W) (LAT 47° 36' 40.08" N LONG 114°
1' 39.37" W).

Maximum Volume:

Source Name: COURVILLE CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNW	3	21N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	2.60 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	1.90 CFS
MARCH 1 TO MARCH 31	Flow Rate:	2.50 CFS
APRIL 1 TO APRIL 30	Flow Rate:	7.30 CFS
MAY 1 TO MAY 31	Flow Rate:	40.40 CFS
JUNE 1 TO JUNE 30	Flow Rate:	52.20 CFS
JULY 1 TO JULY 31	Flow Rate:	30.90 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	7.60 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	4.10 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	3.30 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	3.10 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	2.10 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				3	21N	19W	LAKE
2				10	21N	19W	LAKE
3				11	21N	19W	LAKE
4				12	21N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052695 MAP EXHIBIT(S) 1.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE
USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO
SATISFY THIS RIGHT.

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052696 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 28.10 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN ROCK
CREEK (NWNW SEC 15 T21N R19W) (LAT 47° 35' 13.41" N LONG 114° 1' 38.01" W).

Maximum Volume:

Source Name: ROCK CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		NWNW	15	21N	19W	LAKE	
Period of Diversion:							
JANUARY 1 TO JANUARY 31							Flow Rate: 0.00 CFS
FEBRUARY 1 TO FEBRUARY 28							Flow Rate: 0.00 CFS
MARCH 1 TO MARCH 31							Flow Rate: 0.20 CFS
APRIL 1 TO APRIL 30							Flow Rate: 28.10 CFS
MAY 1 TO MAY 31							Flow Rate: 7.70 CFS
JUNE 1 TO JUNE 30							Flow Rate: 3.70 CFS
JULY 1 TO JULY 31							Flow Rate: 0.10 CFS
AUGUST 1 TO AUGUST 31							Flow Rate: 0.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30							Flow Rate: 0.00 CFS
OCTOBER 1 TO OCTOBER 31							Flow Rate: 0.00 CFS
NOVEMBER 1 TO NOVEMBER 30							Flow Rate: 0.00 CFS
DECEMBER 1 TO DECEMBER 31							Flow Rate: 0.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				14	21N	19W	LAKE
2				15	21N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER
RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE
OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

SEE 30052696 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052697 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 157.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN NORTH
CROW CREEK (SENW SEC 21 T21N R19W) (LAT 47° 34' 9.44" N LONG 114° 2'
19.52" W).

Maximum Volume:

Source Name: NORTH CROW CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENW	21	21N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate: 13.50 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate: 12.80 CFS
MARCH 1 TO MARCH 31	Flow Rate: 18.20 CFS
APRIL 1 TO APRIL 30	Flow Rate: 28.60 CFS
MAY 1 TO MAY 31	Flow Rate: 94.40 CFS
JUNE 1 TO JUNE 30	Flow Rate: 157.00 CFS
JULY 1 TO JULY 31	Flow Rate: 128.40 CFS
AUGUST 1 TO AUGUST 31	Flow Rate: 40.70 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate: 23.60 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate: 20.80 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate: 28.30 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate: 17.70 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				18	21N	18W	LAKE
2				19	21N	18W	LAKE
3				20	21N	18W	LAKE
4				29	21N	18W	LAKE
5				13	21N	19W	LAKE
6				14	21N	19W	LAKE
7				15	21N	19W	LAKE
8				16	21N	19W	LAKE
9				21	21N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

SEE 30052697 MAP EXHIBIT(S) 1.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052698 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 26.90 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN MIDDLE
CROW CREEK (SWSW SEC 27 T21N R19W) (LAT 47° 32' 45.09" N LONG 114° 1'
38.63" W).

Maximum Volume:

Source Name: MIDDLE CROW CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSW	27	21N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate: 2.30 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate: 2.20 CFS
MARCH 1 TO MARCH 31	Flow Rate: 3.10 CFS
APRIL 1 TO APRIL 30	Flow Rate: 4.90 CFS
MAY 1 TO MAY 31	Flow Rate: 16.20 CFS
JUNE 1 TO JUNE 30	Flow Rate: 26.90 CFS
JULY 1 TO JULY 31	Flow Rate: 22.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate: 7.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate: 4.10 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate: 3.60 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate: 4.90 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate: 3.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				29	21N	18W	LAKE
2				30	21N	18W	LAKE
3				32	21N	18W	LAKE
4				25	21N	19W	LAKE
5				26	21N	19W	LAKE
6				27	21N	19W	LAKE
7				35	21N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052698 MAP EXHIBIT(S) 1.

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052699 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 241.90 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN LOST
CREEK (SWNW SEC 3 T20N R19W) (LAT 47° 31' 30.69" N LONG 114° 0' 42.17" W).

Maximum Volume:

Source Name: LOST CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNW	3	20N	19W	LAKE
Period of Diversion:						Flow Rate:
JANUARY 1 TO JANUARY 31						0.00 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 0.00 CFS
MARCH 1 TO MARCH 31						Flow Rate: 1.40 CFS
APRIL 1 TO APRIL 30						Flow Rate: 241.90 CFS
MAY 1 TO MAY 31						Flow Rate: 66.50 CFS
JUNE 1 TO JUNE 30						Flow Rate: 31.70 CFS
JULY 1 TO JULY 31						Flow Rate: 0.70 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 0.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 0.00 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 0.00 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 0.00 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 0.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				3	20N	19W	LAKE
2				31	21N	18W	LAKE
3				35	21N	19W	LAKE
4				36	21N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052699 MAP EXHIBIT(S) 1.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE
USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO
SATISFY THIS RIGHT.

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052700 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 94.60 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN SOUTH
CROW CREEK (NWSW SEC 16 T20N R19W) (LAT 47° 29' 28.35" N LONG 114° 1'
39.63" W).

Maximum Volume:

Source Name: SOUTH CROW CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSW	16	20N	19W	LAKE
Period of Diversion: JANUARY 1 TO JANUARY 31						Flow Rate: 7.40 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 6.90 CFS
MARCH 1 TO MARCH 31						Flow Rate: 9.40 CFS
APRIL 1 TO APRIL 30						Flow Rate: 14.80 CFS
MAY 1 TO MAY 31						Flow Rate: 50.70 CFS
JUNE 1 TO JUNE 30						Flow Rate: 94.60 CFS
JULY 1 TO JULY 31						Flow Rate: 73.60 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 21.60 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 11.90 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 10.80 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 14.90 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 9.10 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				5	20N	18W	LAKE
2				6	20N	18W	LAKE
3				1	20N	19W	LAKE
4				10	20N	19W	LAKE
5				11	20N	19W	LAKE
6				12	20N	19W	LAKE
7				15	20N	19W	LAKE
8				16	20N	19W	LAKE
9				32	21N	18W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

SEE 30052700 MAP EXHIBIT(S) 1.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052701 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 57.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
MOLLMAN CREEK (NWSW SEC 22 T20N R19W) (LAT 47° 28' 35.80" N LONG 114° 0'
27.42" W).

Maximum Volume:

Source Name: MOLLMAN CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSW	22	20N	19W	LAKE
Period of Diversion:						Flow Rate:
JANUARY 1 TO JANUARY 31						1.30 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 1.00 CFS
MARCH 1 TO MARCH 31						Flow Rate: 1.30 CFS
APRIL 1 TO APRIL 30						Flow Rate: 2.00 CFS
MAY 1 TO MAY 31						Flow Rate: 22.70 CFS
JUNE 1 TO JUNE 30						Flow Rate: 57.00 CFS
JULY 1 TO JULY 31						Flow Rate: 23.00 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 8.50 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 4.80 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 3.30 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 2.30 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 2.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				13	20N	19W	LAKE
2				22	20N	19W	LAKE
3				23	20N	19W	LAKE
4				24	20N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER
RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE
OF MONTANA, AND THE UNITED STATES OF AMERICA.

SEE 30052701 MAP EXHIBIT(S) 1.

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052702 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 26.10 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN MARSH
CREEK (SESE SEC 28 T20N R19W) (LAT 47° 27' 36.93" N LONG 114° 1' 0.47" W).

Maximum Volume:

Source Name: MARSH CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESE	28	20N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	0.60 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	0.40 CFS
MARCH 1 TO MARCH 31	Flow Rate:	0.60 CFS
APRIL 1 TO APRIL 30	Flow Rate:	0.90 CFS
MAY 1 TO MAY 31	Flow Rate:	10.40 CFS
JUNE 1 TO JUNE 30	Flow Rate:	26.10 CFS
JULY 1 TO JULY 31	Flow Rate:	10.50 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	3.90 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	2.20 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	1.50 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	1.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	0.90 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				30	20N	18W	LAKE
2				25	20N	19W	LAKE
3				26	20N	19W	LAKE
4				27	20N	19W	LAKE
5				28	20N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

SEE 30052702 MAP EXHIBIT(S) 1.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052703 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 14.70 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN EAGLE
PASS CREEK (SWSW SEC 34 T20N R19W) (LAT 47° 26' 41.87" N LONG 114° 0'
25.78" W).

Maximum Volume:

Source Name: EAGLE PASS CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSW	34	20N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	1.20 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	1.00 CFS
MARCH 1 TO MARCH 31	Flow Rate:	1.20 CFS
APRIL 1 TO APRIL 30	Flow Rate:	1.60 CFS
MAY 1 TO MAY 31	Flow Rate:	9.00 CFS
JUNE 1 TO JUNE 30	Flow Rate:	14.70 CFS
JULY 1 TO JULY 31	Flow Rate:	8.70 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	4.50 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	3.00 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	2.20 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	1.80 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	1.60 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				2	19N	19W	LAKE
2				34	20N	19W	LAKE
3				35	20N	19W	LAKE
4				36	20N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

SEE 30052703 MAP EXHIBIT(S) 1.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052704 COMPACT
Version: 1 -- ORIGINAL RIGHT
Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 243.80 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN POST
CREEK (SESW SEC 12 T19N R19W) (LAT 47° 24' 58.91" N LONG 113° 57' 38.94" W).

Maximum Volume:

Source Name: POST CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESW	12	19N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	16.80 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	12.90 CFS
MARCH 1 TO MARCH 31	Flow Rate:	17.60 CFS
APRIL 1 TO APRIL 30	Flow Rate:	26.90 CFS
MAY 1 TO MAY 31	Flow Rate:	133.30 CFS
JUNE 1 TO JUNE 30	Flow Rate:	243.80 CFS
JULY 1 TO JULY 31	Flow Rate:	181.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	89.40 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	48.70 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	37.20 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	26.70 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	18.40 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				8	19N	18W	LAKE
2				16	19N	18W	LAKE
3				17	19N	18W	LAKE
4				18	19N	18W	LAKE
5				21	19N	18W	LAKE
6				22	19N	18W	LAKE
7				27	19N	18W	LAKE
8				12	19N	19W	LAKE
9				13	19N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052704 MAP EXHIBIT(S) 1.

PROPOSED.V1.2015

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052705 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 3.65 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
VALENTINE CREEK (NESE SEC 16 T19N R19W) (LAT 47° 24' 15.12" N LONG 114° 0'
59.12" W).

Maximum Volume:

Source Name: VALENTINE CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESE	16	19N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	0.30 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	0.25 CFS
MARCH 1 TO MARCH 31	Flow Rate:	0.30 CFS
APRIL 1 TO APRIL 30	Flow Rate:	0.40 CFS
MAY 1 TO MAY 31	Flow Rate:	2.20 CFS
JUNE 1 TO JUNE 30	Flow Rate:	3.65 CFS
JULY 1 TO JULY 31	Flow Rate:	2.20 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	1.10 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	0.80 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	0.60 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	0.40 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	0.40 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				15	19N	19W	LAKE
2				16	19N	19W	LAKE
3				22	19N	19W	LAKE
4				23	19N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE
USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO
SATISFY THIS RIGHT.

SEE 30052705 MAP EXHIBIT(S) 1.

Remarks:

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052706 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 6.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN POISON
OAK CREEK (NWSW SEC 22 T19N R19W) (LAT 47° 23' 20.06" N LONG 114° 0'
36.67" W).

Maximum Volume:

Source Name: POISON OAK CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSW	22	19N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate: 0.50 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate: 0.40 CFS
MARCH 1 TO MARCH 31	Flow Rate: 0.50 CFS
APRIL 1 TO APRIL 30	Flow Rate: 0.70 CFS
MAY 1 TO MAY 31	Flow Rate: 3.70 CFS
JUNE 1 TO JUNE 30	Flow Rate: 6.00 CFS
JULY 1 TO JULY 31	Flow Rate: 3.60 CFS
AUGUST 1 TO AUGUST 31	Flow Rate: 1.90 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate: 1.20 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate: 0.90 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate: 0.70 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate: 0.70 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				22	19N	19W	LAKE
2				23	19N	19W	LAKE
3				26	19N	19W	LAKE
4				27	19N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

SEE 30052706 MAP EXHIBIT(S) 1.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052707 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 59.40 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN ASHLEY
CREEK (NESW SEC 34 T19N R19W) (LAT 47° 21' 45.26" N LONG 114° 0' 3.35" W).

Maximum Volume:

Source Name: ASHLEY CREEK

Source Type: SURFACE WATER

THE SOURCE IS A TRIBUTARY OF POST CREEK.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		NESW	34	19N	19W	LAKE	
Period of Diversion:							Flow Rate:
JANUARY 1 TO JANUARY 31							4.70 CFS
FEBRUARY 1 TO FEBRUARY 28							Flow Rate: 4.00 CFS
MARCH 1 TO MARCH 31							Flow Rate: 4.70 CFS
APRIL 1 TO APRIL 30							Flow Rate: 6.60 CFS
MAY 1 TO MAY 31							Flow Rate: 36.30 CFS
JUNE 1 TO JUNE 30							Flow Rate: 59.40 CFS
JULY 1 TO JULY 31							Flow Rate: 35.30 CFS
AUGUST 1 TO AUGUST 31							Flow Rate: 18.20 CFS
SEPTEMBER 1 TO SEPTEMBER 30							Flow Rate: 12.20 CFS
OCTOBER 1 TO OCTOBER 31							Flow Rate: 9.00 CFS
NOVEMBER 1 TO NOVEMBER 30							Flow Rate: 7.10 CFS
DECEMBER 1 TO DECEMBER 31							Flow Rate: 6.50 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				30	19N	18W	LAKE
2				31	19N	18W	LAKE
3				25	19N	19W	LAKE
4				26	19N	19W	LAKE
5				27	19N	19W	LAKE
6				34	19N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052707 MAP EXHIBIT(S) 1.

Remarks:

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052708 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 134.70 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN THE
UNNAMED TRIBUTARY OF ASHLEY CREEK (SENE SEC 3 T18N R19W) (LAT 47°
20' 59.72" N LONG 113° 59' 43.10" W).

Maximum Volume:

Source Name: UNNAMED TRIBUTARY OF ASHLEY CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENE	3	18N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	0.00 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	0.00 CFS
MARCH 1 TO MARCH 31	Flow Rate:	0.80 CFS
APRIL 1 TO APRIL 30	Flow Rate:	134.70 CFS
MAY 1 TO MAY 31	Flow Rate:	37.00 CFS
JUNE 1 TO JUNE 30	Flow Rate:	17.60 CFS
JULY 1 TO JULY 31	Flow Rate:	0.40 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	0.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	0.00 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	0.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	0.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	0.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				2	18N	19W	LAKE
2				3	18N	19W	LAKE
3				35	19N	19W	LAKE
4				36	19N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE
USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO
SATISFY THIS RIGHT.

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

SEE 30052708 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052709 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 5.20 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN NORTH
DRY CREEK (SWSW SEC 2 T18N R19W) (LAT 47° 20' 34.91" N LONG 113° 59'
24.54" W).

Maximum Volume:

Source Name: DRY CREEK

Source Type: SURFACE WATER

THE SOURCE IS A TRIBUTARY OF (NORTH) ASHLEY CREEK.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSW	2	18N	19W	LAKE
Period of Diversion:						Flow Rate:
JANUARY 1 TO JANUARY 31						0.40 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 0.40 CFS
MARCH 1 TO MARCH 31						Flow Rate: 0.40 CFS
APRIL 1 TO APRIL 30						Flow Rate: 0.60 CFS
MAY 1 TO MAY 31						Flow Rate: 3.20 CFS
JUNE 1 TO JUNE 30						Flow Rate: 5.20 CFS
JULY 1 TO JULY 31						Flow Rate: 3.10 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 1.60 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 1.10 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 0.80 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 0.60 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 0.60 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				1	18N	19W	LAKE
2				2	18N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052709 MAP EXHIBIT(S) 1.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

PROPOSED.V1.2015

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052710 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 222.50 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
MISSION CREEK (SWNW SEC 14 T18N R19W) (LAT 47° 19' 12.24" N LONG 113° 59'
19.04" W).

Maximum Volume:

Source Name: MISSION CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNW	14	18N	19W	LAKE
Period of Diversion: JANUARY 1 TO JANUARY 31						Flow Rate: 12.10 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 9.10 CFS
MARCH 1 TO MARCH 31						Flow Rate: 12.80 CFS
APRIL 1 TO APRIL 30						Flow Rate: 20.20 CFS
MAY 1 TO MAY 31						Flow Rate: 115.70 CFS
JUNE 1 TO JUNE 30						Flow Rate: 222.50 CFS
JULY 1 TO JULY 31						Flow Rate: 161.40 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 74.90 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 38.60 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 28.90 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 20.00 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 13.40 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				5	18N	18W	LAKE
2				7	18N	18W	LAKE
3				8	18N	18W	LAKE
4				12	18N	19W	LAKE
5				13	18N	19W	LAKE
6				14	18N	19W	LAKE
7				32	19N	18W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052710 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052714 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 22.70 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN POWER
CREEK (SESW SEC 31 T18N R18W) (LAT 47° 16' 19.45" N LONG 113° 56' 34.35" W).

Maximum Volume:

Source Name: POWER CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESW	31	18N	18W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate: 0.50 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate: 0.40 CFS
MARCH 1 TO MARCH 31	Flow Rate: 0.50 CFS
APRIL 1 TO APRIL 30	Flow Rate: 0.80 CFS
MAY 1 TO MAY 31	Flow Rate: 9.10 CFS
JUNE 1 TO JUNE 30	Flow Rate: 22.70 CFS
JULY 1 TO JULY 31	Flow Rate: 9.20 CFS
AUGUST 1 TO AUGUST 31	Flow Rate: 3.40 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate: 1.90 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate: 1.30 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate: 0.90 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate: 0.80 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				29	18N	18W	LAKE
2				31	18N	18W	LAKE
3				32	18N	18W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

SEE 30052714 MAP EXHIBIT(S) 1.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052715 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 499.80 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN DRY
LAKE CREEK (NWSW SEC 4 T17N R18W) (LAT 47° 15' 33.53" N LONG 113° 54'
15.10" W).

Maximum Volume:

Source Name: DRY LAKE CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSW	4	17N	18W	LAKE
Period of Diversion:						Flow Rate:
JANUARY 1 TO JANUARY 31						0.00 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 0.00 CFS
MARCH 1 TO MARCH 31						Flow Rate: 2.90 CFS
APRIL 1 TO APRIL 30						Flow Rate: 499.80 CFS
MAY 1 TO MAY 31						Flow Rate: 137.40 CFS
JUNE 1 TO JUNE 30						Flow Rate: 65.40 CFS
JULY 1 TO JULY 31						Flow Rate: 1.50 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 0.10 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 0.00 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 0.00 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 0.00 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 0.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				4	17N	18W	LAKE
2				21	18N	18W	LAKE
3				22	18N	18W	LAKE
4				27	18N	18W	LAKE
5				33	18N	18W	LAKE
6				34	18N	18W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052715 MAP EXHIBIT(S) 1.

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052716 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 27.10 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN THE
UNNAMED TRIBUTARY OF DRY CREEK (SWSE SEC 2 T17N R19W) (LAT 47° 15'
27.24" N LONG 113° 58' 36.10" W).

Maximum Volume:

Source Name: UNNAMED TRIBUTARY OF DRY CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSE	2	17N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	0.00 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	0.00 CFS
MARCH 1 TO MARCH 31	Flow Rate:	0.20 CFS
APRIL 1 TO APRIL 30	Flow Rate:	27.10 CFS
MAY 1 TO MAY 31	Flow Rate:	7.40 CFS
JUNE 1 TO JUNE 30	Flow Rate:	3.50 CFS
JULY 1 TO JULY 31	Flow Rate:	0.10 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	0.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	0.00 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	0.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	0.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	0.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				7	17N	18W	LAKE
2				2	17N	19W	LAKE
3				11	17N	19W	LAKE
4				12	17N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

SEE 30052716 MAP EXHIBIT(S) 1.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052717 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 10.10 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
THORNE CREEK (NENW SEC 4 T17N R19W) (LAT 47° 16' 6.35" N LONG 114° 1'
36.74" W).

Maximum Volume:

Source Name: THORNE CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENW	4	17N	19W	LAKE
Period of Diversion:						Flow Rate:
JANUARY 1 TO JANUARY 31						0.70 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 0.90 CFS
MARCH 1 TO MARCH 31						Flow Rate: 2.70 CFS
APRIL 1 TO APRIL 30						Flow Rate: 6.70 CFS
MAY 1 TO MAY 31						Flow Rate: 10.10 CFS
JUNE 1 TO JUNE 30						Flow Rate: 5.50 CFS
JULY 1 TO JULY 31						Flow Rate: 2.40 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 1.10 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 1.10 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 0.80 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 0.90 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 0.70 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				3	17N	19W	LAKE
2				4	17N	19W	LAKE
3				10	17N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER
RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE
OF MONTANA, AND THE UNITED STATES OF AMERICA.

Remarks:

SEE 30052717 MAP EXHIBIT(S) 1.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052718 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 359.06 GPM

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN SABINE
CREEK (SESE SEC 32 T18N R19W) (LAT 47° 16' 17.05" N LONG 114° 3' 19.18" W).

Maximum Volume:

Source Name: SABINE CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESE	32	18N	19W	LAKE
Period of Diversion:						Flow Rate:
JANUARY 1 TO JANUARY 31						134.65 GPM
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 224.42 GPM
MARCH 1 TO MARCH 31						Flow Rate: 179.53 GPM
APRIL 1 TO APRIL 30						Flow Rate: 359.06 GPM
MAY 1 TO MAY 31						Flow Rate: 359.06 GPM
JUNE 1 TO JUNE 30						Flow Rate: 359.06 GPM
JULY 1 TO JULY 31						Flow Rate: 179.53 GPM
AUGUST 1 TO AUGUST 31						Flow Rate: 134.65 GPM
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 89.77 GPM
OCTOBER 1 TO OCTOBER 31						Flow Rate: 89.77 GPM
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 89.77 GPM
DECEMBER 1 TO DECEMBER 31						Flow Rate: 89.77 GPM

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				5	17N	19W	LAKE
2				8	17N	19W	LAKE
3				31	18N	19W	LAKE
4				32	18N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

SEE 30052718 MAP EXHIBIT(S) 1.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052719 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 224.42 GPM

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
MCCOLLUM CREEK (NWSE SEC 36 T18N R20W) (LAT 47° 16' 33.46" N LONG 114°
4' 53.15" W).

Maximum Volume:

Source Name: MCCOLLUM CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSE	36	18N	20W	LAKE
Period of Diversion:						Flow Rate:
JANUARY 1 TO JANUARY 31						0.00 GPM
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 0.00 GPM
MARCH 1 TO MARCH 31						Flow Rate: 0.00 GPM
APRIL 1 TO APRIL 30						Flow Rate: 224.42 GPM
MAY 1 TO MAY 31						Flow Rate: 44.88 GPM
JUNE 1 TO JUNE 30						Flow Rate: 44.88 GPM
JULY 1 TO JULY 31						Flow Rate: 0.00 GPM
AUGUST 1 TO AUGUST 31						Flow Rate: 0.00 GPM
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 0.00 GPM
OCTOBER 1 TO OCTOBER 31						Flow Rate: 0.00 GPM
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 0.00 GPM
DECEMBER 1 TO DECEMBER 31						Flow Rate: 0.00 GPM

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				1	17N	20W	LAKE
2				36	18N	20W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THE OWNERS OF THIS WATER RIGHT SHALL BE ENTITLED TO MAKE A CALL TO ENFORCE THIS WATER
RIGHT AGAINST ANY WATER RIGHT UPSTREAM OF THE DOWNSTREAM POINT OF THE PROTECTABLE
REACH ASSOCIATED WITH THIS WATER RIGHT, EXCEPT FOR THE FOLLOWING WATER RIGHTS: 76L
35091-00

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

SEE 30052719 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052720 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 6.30 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN DEEP
DRAW (SWSE SEC 25 T24N R23W) (LAT 47° 48' 22.84" N LONG 114° 28' 58.96" W).

Maximum Volume:

Source Name: DEEP DRAW

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		SWSE	25	24N	23W	FLATHEAD

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	0.10 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	0.10 CFS
MARCH 1 TO MARCH 31	Flow Rate:	0.70 CFS
APRIL 1 TO APRIL 30	Flow Rate:	3.00 CFS
MAY 1 TO MAY 31	Flow Rate:	6.30 CFS
JUNE 1 TO JUNE 30	Flow Rate:	2.10 CFS
JULY 1 TO JULY 31	Flow Rate:	0.50 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	0.20 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	0.10 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	0.10 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	0.10 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	0.10 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1				6	23N	22W	LAKE
2				7	23N	22W	LAKE
3				18	23N	22W	LAKE
4				31	24N	22W	FLATHEAD
5				31	24N	22W	LAKE
6				25	24N	23W	FLATHEAD
7				36	24N	23W	FLATHEAD

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

SEE 30052720 MAP EXHIBIT(S) 1.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052721 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 9.30 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
CROMWELL CREEK (NWNE SEC 3 T24N R23W) (LAT 47° 52' 29.02" N LONG 114°
31' 37.29" W).

Maximum Volume:

Source Name: CROMWELL CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNE	3	24N	23W	FLATHEAD
Period of Diversion: JANUARY 1 TO JANUARY 31						Flow Rate: 0.10 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 0.10 CFS
MARCH 1 TO MARCH 31						Flow Rate: 3.10 CFS
APRIL 1 TO APRIL 30						Flow Rate: 6.60 CFS
MAY 1 TO MAY 31						Flow Rate: 9.30 CFS
JUNE 1 TO JUNE 30						Flow Rate: 7.60 CFS
JULY 1 TO JULY 31						Flow Rate: 1.20 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 0.20 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 0.30 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 0.10 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 0.10 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 0.10 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				19	24N	22W	FLATHEAD
2				19	24N	22W	LAKE
3				1	24N	23W	FLATHEAD
4				3	24N	23W	FLATHEAD
5				12	24N	23W	FLATHEAD
6				13	24N	23W	FLATHEAD
7				24	24N	23W	FLATHEAD
8				31	25N	22W	FLATHEAD
9				31	25N	22W	LAKE
10				35	25N	23W	FLATHEAD
11				36	25N	23W	FLATHEAD

Remarks:

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

SEE 30052721 MAP EXHIBIT(S) 1.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O. BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052722 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 2.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
SULLIVAN SPRINGS (NWSE SEC 24 T24N R24W) (LAT 47° 49' 26.33" N LONG 114°
36' 46.51" W).

Maximum Volume:

Source Name: SULLIVAN SPRINGS
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSE	24	24N	24W	SANDERS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Flow Rate: 2.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				24	24N	24W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE
USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO
SATISFY THIS RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER
RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE
OF MONTANA, AND THE UNITED STATES OF AMERICA.

SEE 30052722 MAP EXHIBIT(S) 1.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE
FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052723 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 86.80 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN MILL
CREEK (NWNW SEC 21 T24N R24W) (LAT 47° 49' 52.48" N LONG 114° 41' 7.50" W).

Maximum Volume:

Source Name: MILL CREEK

Source Type: SURFACE WATER

THE SOURCE IS A TRIBUTARY OF LITTLE BITTERROOT RIVER.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNW	21	24N	24W	SANDERS
Period of Diversion: JANUARY 1 TO JANUARY 31						
					Flow Rate:	2.40 CFS
					Flow Rate:	3.30 CFS
					Flow Rate:	15.40 CFS
					Flow Rate:	49.30 CFS
					Flow Rate:	86.80 CFS
					Flow Rate:	37.70 CFS
					Flow Rate:	12.70 CFS
					Flow Rate:	5.60 CFS
					Flow Rate:	3.30 CFS
					Flow Rate:	3.20 CFS
					Flow Rate:	3.30 CFS
					Flow Rate:	2.70 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				2	23N	25W	SANDERS
2				3	23N	25W	SANDERS
3				10	23N	25W	SANDERS
4				19	24N	24W	SANDERS
5				20	24N	24W	SANDERS
6				21	24N	24W	SANDERS
7				24	24N	25W	SANDERS
8				25	24N	25W	SANDERS
9				26	24N	25W	SANDERS
10				35	24N	25W	SANDERS

Remarks:

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

SEE 30052723 MAP EXHIBIT(S) 1.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052724 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 8.30 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN MILL
POCKET CREEK (NWNW SEC 34 T24N R24W) (LAT 47° 48' 9.06" N LONG 114° 40'
3.13" W).

Maximum Volume:

Source Name: MILL POCKET CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		NWNW	34	24N	24W	SANDERS	
Period of Diversion:							Flow Rate:
JANUARY 1 TO JANUARY 31							0.00 CFS
FEBRUARY 1 TO FEBRUARY 28							Flow Rate: 0.00 CFS
MARCH 1 TO MARCH 31							Flow Rate: 0.00 CFS
APRIL 1 TO APRIL 30							Flow Rate: 8.30 CFS
MAY 1 TO MAY 31							Flow Rate: 2.30 CFS
JUNE 1 TO JUNE 30							Flow Rate: 1.10 CFS
JULY 1 TO JULY 31							Flow Rate: 0.00 CFS
AUGUST 1 TO AUGUST 31							Flow Rate: 0.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30							Flow Rate: 0.00 CFS
OCTOBER 1 TO OCTOBER 31							Flow Rate: 0.00 CFS
NOVEMBER 1 TO NOVEMBER 30							Flow Rate: 0.00 CFS
DECEMBER 1 TO DECEMBER 31							Flow Rate: 0.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				28	24N	24W	SANDERS
2				29	24N	24W	SANDERS
3				31	24N	24W	SANDERS
4				32	24N	24W	SANDERS
5				33	24N	24W	SANDERS
6				34	24N	24W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE
USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO
SATISFY THIS RIGHT.

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

SEE 30052724 MAP EXHIBIT(S) 1.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052725 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate: 8.80 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
SULLIVAN GULCH (SESW SEC 31 T24N R23W) (LAT 47° 47' 24.14" N LONG 114°
35' 43.42" W).

Maximum Volume:

Source Name: SULLIVAN GULCH
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESW	31	24N	23W	FLATHEAD
Period of Diversion: JANUARY 1 TO JANUARY 31						
					Flow Rate:	0.00 CFS
					Flow Rate:	0.00 CFS
					Flow Rate:	3.00 CFS
					Flow Rate:	7.90 CFS
					Flow Rate:	8.80 CFS
					Flow Rate:	4.80 CFS
					Flow Rate:	0.00 CFS
					Flow Rate:	0.00 CFS
					Flow Rate:	0.00 CFS
					Flow Rate:	0.00 CFS
					Flow Rate:	0.00 CFS
					Flow Rate:	0.00 CFS
					Flow Rate:	0.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				2	23N	23W	LAKE
2				3	23N	23W	LAKE
3				11	23N	23W	LAKE
4				13	23N	23W	LAKE
5				14	23N	23W	LAKE
6				31	24N	23W	FLATHEAD
7				32	24N	23W	FLATHEAD
8				33	24N	23W	FLATHEAD
9				34	24N	23W	FLATHEAD
10				34	24N	23W	LAKE

Remarks:

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

SEE 30052725 MAP EXHIBIT(S) 1.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052726 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 7.30 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN DRY
FORK CREEK (SWNE SEC 17 T23N R24W) (LAT 47° 45' 20.09" N LONG 114° 41'
47.68" W).

Maximum Volume:

Source Name: DRY FORK CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNE	17	23N	24W	SANDERS
Period of Diversion: JANUARY 1 TO JANUARY 31						
					Flow Rate:	0.00 CFS
					Flow Rate:	0.00 CFS
					Flow Rate:	2.50 CFS
					Flow Rate:	6.50 CFS
					Flow Rate:	7.30 CFS
					Flow Rate:	4.00 CFS
					Flow Rate:	0.00 CFS
					Flow Rate:	0.00 CFS
					Flow Rate:	0.00 CFS
					Flow Rate:	0.00 CFS
					Flow Rate:	0.00 CFS
					Flow Rate:	0.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				17	23N	24W	SANDERS
2				18	23N	24W	SANDERS
3				12	23N	25W	SANDERS
4				13	23N	25W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

SEE 30052726 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052727 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate: 7.50 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
RATTLESNAKE GULCH (NWNW SEC 30 T23N R23W) (LAT 47° 43' 55.13" N LONG
114° 36' 14.95" W).

Maximum Volume:

Source Name: RATTLESNAKE GULCH
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNW	30	23N	23W	SANDERS

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	0.00 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	0.00 CFS
MARCH 1 TO MARCH 31	Flow Rate:	2.60 CFS
APRIL 1 TO APRIL 30	Flow Rate:	6.70 CFS
MAY 1 TO MAY 31	Flow Rate:	7.50 CFS
JUNE 1 TO JUNE 30	Flow Rate:	4.10 CFS
JULY 1 TO JULY 31	Flow Rate:	0.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	0.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	0.00 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	0.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	0.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	0.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				14	23N	23W	LAKE
2				15	23N	23W	LAKE
3				16	23N	23W	LAKE
4				17	23N	23W	LAKE
5				19	23N	23W	SANDERS
6				20	23N	23W	LAKE
7				20	23N	23W	SANDERS
8				23	23N	23W	LAKE
9				30	23N	23W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

SEE 30052727 MAP EXHIBIT(S) 1.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052728 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 6.90 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN FINLEY
CREEK (SWNW SEC 28 T23N R24W) (LAT 47° 43' 37.16" N LONG 114° 41' 8.10" W).

Maximum Volume:

Source Name: FINLEY CREEK

Source Type: SURFACE WATER

THE SOURCE IS A TRIBUTARY OF DRY FORK CREEK.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		SWNW	28	23N	24W	SANDERS	
Period of Diversion: JANUARY 1 TO JANUARY 31							Flow Rate: 0.00 CFS
FEBRUARY 1 TO FEBRUARY 28							Flow Rate: 0.00 CFS
MARCH 1 TO MARCH 31							Flow Rate: 0.00 CFS
APRIL 1 TO APRIL 30							Flow Rate: 6.90 CFS
MAY 1 TO MAY 31							Flow Rate: 1.90 CFS
JUNE 1 TO JUNE 30							Flow Rate: 0.90 CFS
JULY 1 TO JULY 31							Flow Rate: 0.00 CFS
AUGUST 1 TO AUGUST 31							Flow Rate: 0.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30							Flow Rate: 0.00 CFS
OCTOBER 1 TO OCTOBER 31							Flow Rate: 0.00 CFS
NOVEMBER 1 TO NOVEMBER 30							Flow Rate: 0.00 CFS
DECEMBER 1 TO DECEMBER 31							Flow Rate: 0.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				28	23N	24W	SANDERS
2				29	23N	24W	SANDERS
3				30	23N	24W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE
USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO
SATISFY THIS RIGHT.

SEE 30052728 MAP EXHIBIT(S) 1.

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052729 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 179.53 GPM

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN LETZEN
GULCH (NENW SEC 4 T22N R24W) (LAT 47° 42' 9.95" N LONG 114° 41' 5.37" W).

Maximum Volume:

Source Name: LETZEN GULCH

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENW	4	22N	24W	SANDERS

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	0.00 GPM
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	0.00 GPM
MARCH 1 TO MARCH 31	Flow Rate:	44.88 GPM
APRIL 1 TO APRIL 30	Flow Rate:	179.53 GPM
MAY 1 TO MAY 31	Flow Rate:	179.53 GPM
JUNE 1 TO JUNE 30	Flow Rate:	89.77 GPM
JULY 1 TO JULY 31	Flow Rate:	0.00 GPM
AUGUST 1 TO AUGUST 31	Flow Rate:	0.00 GPM
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	0.00 GPM
OCTOBER 1 TO OCTOBER 31	Flow Rate:	0.00 GPM
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	0.00 GPM
DECEMBER 1 TO DECEMBER 31	Flow Rate:	0.00 GPM

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				4	22N	24W	SANDERS
2				5	22N	24W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

SEE 30052729 MAP EXHIBIT(S) 1.

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052730 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 11.50 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
GARDEN CREEK (SESW SEC 20 T22N R24W) (LAT 47° 38' 49.98" N LONG 114° 42'
14.61" W).

Maximum Volume:

Source Name: GARDEN CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESW	20	22N	24W	SANDERS
Period of Diversion: JANUARY 1 TO JANUARY 31						
					Flow Rate:	0.00 CFS
					Flow Rate:	0.00 CFS
					Flow Rate:	4.00 CFS
					Flow Rate:	10.20 CFS
					Flow Rate:	11.50 CFS
					Flow Rate:	6.30 CFS
					Flow Rate:	0.00 CFS
					Flow Rate:	0.00 CFS
					Flow Rate:	0.00 CFS
					Flow Rate:	0.00 CFS
					Flow Rate:	0.00 CFS
					Flow Rate:	0.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				19	22N	24W	SANDERS
2				20	22N	24W	SANDERS
3				29	22N	24W	SANDERS
4				30	22N	24W	SANDERS
5				24	22N	25W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052730 MAP EXHIBIT(S) 1.

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052731 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 9.80 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN HOT
SPRINGS CREEK (SWSW SEC 5 T21N R24W) (LAT 47° 36' 17.20" N LONG 114° 42'
37.21" W).

Maximum Volume:

Source Name: HOT SPRINGS CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		SWSW	5	21N	24W	SANDERS	
Period of Diversion:							
JANUARY 1 TO JANUARY 31							Flow Rate: 0.00 CFS
FEBRUARY 1 TO FEBRUARY 28							Flow Rate: 0.00 CFS
MARCH 1 TO MARCH 31							Flow Rate: 3.40 CFS
APRIL 1 TO APRIL 30							Flow Rate: 8.70 CFS
MAY 1 TO MAY 31							Flow Rate: 9.80 CFS
JUNE 1 TO JUNE 30							Flow Rate: 5.30 CFS
JULY 1 TO JULY 31							Flow Rate: 0.00 CFS
AUGUST 1 TO AUGUST 31							Flow Rate: 0.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30							Flow Rate: 0.00 CFS
OCTOBER 1 TO OCTOBER 31							Flow Rate: 0.00 CFS
NOVEMBER 1 TO NOVEMBER 30							Flow Rate: 0.00 CFS
DECEMBER 1 TO DECEMBER 31							Flow Rate: 0.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				5	21N	24W	SANDERS
2				6	21N	24W	SANDERS
3				7	21N	24W	SANDERS
4				11	21N	25W	SANDERS
5				12	21N	25W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER
RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE
OF MONTANA, AND THE UNITED STATES OF AMERICA.

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052735 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 9.60 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN CAMAS
CREEK (SESE SEC 18 T20N R24W) (LAT 47° 29' 17.65" N LONG 114° 41' 44.25" W).

Maximum Volume:

Source Name: CAMAS CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESE	18	20N	24W	SANDERS

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	2.40 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	7.90 CFS
MARCH 1 TO MARCH 31	Flow Rate:	3.60 CFS
APRIL 1 TO APRIL 30	Flow Rate:	9.60 CFS
MAY 1 TO MAY 31	Flow Rate:	4.70 CFS
JUNE 1 TO JUNE 30	Flow Rate:	3.50 CFS
JULY 1 TO JULY 31	Flow Rate:	0.50 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	0.60 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	0.50 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	0.40 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	0.40 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	0.30 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				6	20N	24W	SANDERS
2				7	20N	24W	SANDERS
3				18	20N	24W	SANDERS
4				12	20N	25W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE
USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO
SATISFY THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

SEE 30052735 MAP EXHIBIT(S) 1.

THE OWNERS OF THIS WATER RIGHT SHALL BE ENTITLED TO MAKE A CALL TO ENFORCE THIS WATER RIGHT AGAINST ANY WATER RIGHT UPSTREAM OF THE DOWNSTREAM POINT OF THE PROTECTABLE REACH ASSOCIATED WITH THIS WATER RIGHT, EXCEPT FOR THE FOLLOWING WATER RIGHTS: 76L 46329-00, 76L 46312-00

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052736 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 2.30 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN CLEAR
CREEK (NWSE SEC 19 T19N R23W) (LAT 47° 23' 25.65" N LONG 114° 34' 10.23" W).

Maximum Volume:

Source Name: CLEAR CREEK

Source Type: SURFACE WATER

THE SOURCE IS A TRIBUTARY OF CAMAS CREEK.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSE	19	19N	23W	SANDERS

Period of Diversion: JANUARY 1 TO JANUARY 31 **Flow Rate:** 0.10 CFS
FEBRUARY 1 TO FEBRUARY 28 **Flow Rate:** 0.20 CFS
MARCH 1 TO MARCH 31 **Flow Rate:** 0.80 CFS
APRIL 1 TO APRIL 30 **Flow Rate:** 1.30 CFS
MAY 1 TO MAY 31 **Flow Rate:** 2.30 CFS
JUNE 1 TO JUNE 30 **Flow Rate:** 1.90 CFS
JULY 1 TO JULY 31 **Flow Rate:** 0.60 CFS
AUGUST 1 TO AUGUST 31 **Flow Rate:** 0.30 CFS
SEPTEMBER 1 TO SEPTEMBER 30 **Flow Rate:** 0.20 CFS
OCTOBER 1 TO OCTOBER 31 **Flow Rate:** 0.30 CFS
NOVEMBER 1 TO NOVEMBER 30 **Flow Rate:** 0.20 CFS
DECEMBER 1 TO DECEMBER 31 **Flow Rate:** 0.10 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				19	19N	23W	SANDERS
2				19	19N	24W	SANDERS
3				20	19N	24W	SANDERS
4				21	19N	24W	SANDERS
5				22	19N	24W	SANDERS
6				23	19N	24W	SANDERS
7				24	19N	24W	SANDERS
8				25	19N	24W	SANDERS
9				26	19N	24W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052736 MAP EXHIBIT(S) 1.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THE OWNERS OF THIS WATER RIGHT SHALL BE ENTITLED TO MAKE A CALL TO ENFORCE THIS WATER RIGHT AGAINST ANY WATER RIGHT UPSTREAM OF THE DOWNSTREAM POINT OF THE PROTECTABLE REACH ASSOCIATED WITH THIS WATER RIGHT, EXCEPT FOR THE FOLLOWING WATER RIGHTS: 76L 45201-00

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052737 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 12.90 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN THE
WEST FORK OF REVAIS CREEK (NESW SEC 4 T17N R22W) (LAT 47° 15' 39.58" N
LONG 114° 24' 29.24" W).

Maximum Volume:

Source Name: REVAIS CREEK, WEST FORK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESW	4	17N	22W	SANDERS
Period of Diversion: JANUARY 1 TO JANUARY 31						
					Flow Rate:	0.50 CFS
					Flow Rate:	0.40 CFS
					Flow Rate:	1.30 CFS
					Flow Rate:	2.60 CFS
					Flow Rate:	12.90 CFS
					Flow Rate:	10.40 CFS
					Flow Rate:	2.00 CFS
					Flow Rate:	0.90 CFS
					Flow Rate:	0.60 CFS
					Flow Rate:	0.60 CFS
					Flow Rate:	0.60 CFS
					Flow Rate:	0.40 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				4	17N	22W	SANDERS
2				5	17N	22W	SANDERS
3				7	17N	22W	SANDERS
4				8	17N	22W	SANDERS
5				12	17N	23W	SANDERS
6				13	17N	23W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

Remarks:

SEE 30052737 MAP EXHIBIT(S) 1.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052738 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 165.40 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN REVAIS
CREEK (SWNE SEC 33 T18N R22W) (LAT 47° 16' 40.27" N LONG 114° 24' 14.23" W).

Maximum Volume:

Source Name: REVAIS CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNE	33	18N	22W	SANDERS

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	6.00 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	5.60 CFS
MARCH 1 TO MARCH 31	Flow Rate:	17.30 CFS
APRIL 1 TO APRIL 30	Flow Rate:	33.90 CFS
MAY 1 TO MAY 31	Flow Rate:	165.40 CFS
JUNE 1 TO JUNE 30	Flow Rate:	133.80 CFS
JULY 1 TO JULY 31	Flow Rate:	25.50 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	11.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	7.50 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	7.10 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	8.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	5.50 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				4	17N	22W	SANDERS
2				9	17N	22W	SANDERS
3				15	17N	22W	SANDERS
4				16	17N	22W	SANDERS
5				22	17N	22W	SANDERS
6				26	17N	22W	SANDERS
7				27	17N	22W	SANDERS
8				33	18N	22W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

SEE 30052738 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052739 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 6.20 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
GUNDERSON CREEK (NENW SEC 16 T18N R22W) (LAT 47° 19' 25.57" N LONG
114° 24' 35.26" W).

Maximum Volume:

Source Name: GUNDERSON CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENW	16	18N	22W	SANDERS
Period of Diversion:						Flow Rate:
JANUARY 1 TO JANUARY 31						0.12 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 0.18 CFS
MARCH 1 TO MARCH 31						Flow Rate: 0.05 CFS
APRIL 1 TO APRIL 30						Flow Rate: 1.18 CFS
MAY 1 TO MAY 31						Flow Rate: 6.20 CFS
JUNE 1 TO JUNE 30						Flow Rate: 4.96 CFS
JULY 1 TO JULY 31						Flow Rate: 0.83 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 0.36 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 0.09 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 0.08 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 0.11 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 0.25 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				4	17N	22W	SANDERS
2				5	17N	22W	SANDERS
3				16	18N	22W	SANDERS
4				21	18N	22W	SANDERS
5				28	18N	22W	SANDERS
6				29	18N	22W	SANDERS
7				32	18N	22W	SANDERS
8				33	18N	22W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE OWNERS OF THIS WATER RIGHT SHALL BE ENTITLED TO MAKE A CALL TO ENFORCE THIS WATER RIGHT AGAINST ANY WATER RIGHT UPSTREAM OF THE DOWNSTREAM POINT OF THE PROTECTABLE REACH ASSOCIATED WITH THIS WATER RIGHT, EXCEPT FOR THE FOLLOWING WATER RIGHTS: 76L 8412-00

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

SEE 30052739 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052740 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 129.50 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN MAGPIE
CREEK (SWNE SEC 23 T18N R23W) (LAT 47° 18' 31.95" N LONG 114° 29' 8.05" W).

Maximum Volume:

Source Name: MAGPIE CREEK

Source Type: SURFACE WATER

THE SOURCE IS A TRIBUTARY OF FLATHEAD RIVER.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNE	23	18N	23W	SANDERS
Period of Diversion: JANUARY 1 TO JANUARY 31						
					Flow Rate:	4.00 CFS
					Flow Rate:	4.00 CFS
					Flow Rate:	3.70 CFS
					Flow Rate:	12.10 CFS
					Flow Rate:	24.40 CFS
					Flow Rate:	129.50 CFS
					Flow Rate:	103.40 CFS
					Flow Rate:	17.50 CFS
					Flow Rate:	7.50 CFS
					Flow Rate:	4.90 CFS
					Flow Rate:	4.60 CFS
					Flow Rate:	5.30 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				2	17N	23W	SANDERS
2				3	17N	23W	SANDERS
3				4	17N	23W	SANDERS
4				5	17N	23W	SANDERS
5				8	17N	23W	SANDERS
6				23	18N	23W	SANDERS
7				25	18N	23W	SANDERS
8				26	18N	23W	SANDERS
9				35	18N	23W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

SEE 30052740 MAP EXHIBIT(S) 1.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052741 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 5.10 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN WEST
MAGPIE CREEK (NWSW SEC 23 T18N R23W) (LAT 47° 18' 19.38" N LONG 114° 29'
49.14" W).

Maximum Volume:

Source Name: WEST MAGPIE CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSW	23	18N	23W	SANDERS
Period of Diversion:						
JANUARY 1 TO JANUARY 31						Flow Rate: 0.80 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 0.80 CFS
MARCH 1 TO MARCH 31						Flow Rate: 0.70 CFS
APRIL 1 TO APRIL 30						Flow Rate: 1.40 CFS
MAY 1 TO MAY 31						Flow Rate: 4.60 CFS
JUNE 1 TO JUNE 30						Flow Rate: 5.10 CFS
JULY 1 TO JULY 31						Flow Rate: 4.00 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 2.80 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 2.40 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 1.80 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 1.60 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 1.40 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				22	18N	23W	SANDERS
2				23	18N	23W	SANDERS
3				27	18N	23W	SANDERS
4				28	18N	23W	SANDERS
5				32	18N	23W	SANDERS
6				33	18N	23W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052741 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052742 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 24.70 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN MAGPIE
SPRING CREEK (NESE SEC 10 T18N R23W) (LAT 47° 20' 2.66" N LONG 114° 30'
18.25" W).

Maximum Volume:

Source Name: MAGPIE SPRING CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESE	10	18N	23W	SANDERS
Period of Diversion:						
JANUARY 1 TO JANUARY 31						Flow Rate: 0.80 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 0.70 CFS
MARCH 1 TO MARCH 31						Flow Rate: 2.30 CFS
APRIL 1 TO APRIL 30						Flow Rate: 4.70 CFS
MAY 1 TO MAY 31						Flow Rate: 24.70 CFS
JUNE 1 TO JUNE 30						Flow Rate: 19.70 CFS
JULY 1 TO JULY 31						Flow Rate: 3.30 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 1.40 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 0.90 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 0.90 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 1.00 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 0.70 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				10	18N	23W	SANDERS
2				15	18N	23W	SANDERS
3				16	18N	23W	SANDERS
4				20	18N	23W	SANDERS
5				21	18N	23W	SANDERS
6				29	18N	23W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE
USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO
SATISFY THIS RIGHT.

Remarks:

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

SEE 30052742 MAP EXHIBIT(S) 1.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052743 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 1.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
VANDERBURG CREEK (NWNW SEC 9 T18N R23W) (LAT 47° 20' 25.68" N LONG
114° 32' 26.91" W).

Maximum Volume:

Source Name: VANDERBURG CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNW	9	18N	23W	SANDERS
Period of Diversion:						
JANUARY 1 TO JANUARY 31						Flow Rate: 0.20 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 0.40 CFS
MARCH 1 TO MARCH 31						Flow Rate: 0.60 CFS
APRIL 1 TO APRIL 30						Flow Rate: 0.90 CFS
MAY 1 TO MAY 31						Flow Rate: 1.00 CFS
JUNE 1 TO JUNE 30						Flow Rate: 0.50 CFS
JULY 1 TO JULY 31						Flow Rate: 0.20 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 0.20 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 0.20 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 0.20 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 0.20 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 0.20 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				8	18N	23W	SANDERS
2				9	18N	23W	SANDERS
3				17	18N	23W	SANDERS
4				18	18N	23W	SANDERS
5				13	18N	24W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER
RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE
OF MONTANA, AND THE UNITED STATES OF AMERICA.

Remarks:

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

SEE 30052743 MAP EXHIBIT(S) 1.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052744 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 6.40 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
RACEHORSE GULCH (SESE SEC 32 T19N R23W) (LAT 47° 21' 33.18" N LONG 114°
32' 42.40" W).

Maximum Volume:

Source Name: RACEHORSE GULCH
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESE	32	19N	23W	SANDERS
Period of Diversion:						Flow Rate:
JANUARY 1 TO JANUARY 31						0.30 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 0.40 CFS
MARCH 1 TO MARCH 31						Flow Rate: 2.10 CFS
APRIL 1 TO APRIL 30						Flow Rate: 3.50 CFS
MAY 1 TO MAY 31						Flow Rate: 6.40 CFS
JUNE 1 TO JUNE 30						Flow Rate: 5.30 CFS
JULY 1 TO JULY 31						Flow Rate: 1.70 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 0.70 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 0.40 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 0.70 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 0.40 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 0.30 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				19	19N	22W	SANDERS
2				30	19N	22W	SANDERS
3				23	19N	23W	SANDERS
4				24	19N	23W	SANDERS
5				26	19N	23W	SANDERS
6				27	19N	23W	SANDERS
7				32	19N	23W	SANDERS
8				33	19N	23W	SANDERS
9				34	19N	23W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052744 MAP EXHIBIT(S) 1.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052745 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate: 88.20 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN SEEPAY
CREEK (NENW SEC 10 T18N R24W) (LAT 47° 20' 22.92" N LONG 114° 38' 29.56"
W).

Maximum Volume:

Source Name: SEEPAY CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENW	10	18N	24W	SANDERS
Period of Diversion: JANUARY 1 TO JANUARY 31						Flow Rate: 9.90 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 12.60 CFS
MARCH 1 TO MARCH 31						Flow Rate: 30.40 CFS
APRIL 1 TO APRIL 30						Flow Rate: 62.80 CFS
MAY 1 TO MAY 31						Flow Rate: 88.20 CFS
JUNE 1 TO JUNE 30						Flow Rate: 33.70 CFS
JULY 1 TO JULY 31						Flow Rate: 16.30 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 16.50 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 12.10 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 11.70 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 12.00 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 10.60 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				1	17N	24W	SANDERS
2				31	18N	23W	SANDERS
3				10	18N	24W	SANDERS
4				11	18N	24W	SANDERS
5				14	18N	24W	SANDERS
6				23	18N	24W	SANDERS
7				25	18N	24W	SANDERS
8				26	18N	24W	SANDERS
9				36	18N	24W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

SEE 30052745 MAP EXHIBIT(S) 1.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052746 COMPACT
Version: 1 – ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 5.30 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
BURGESS CREEK (NESE SEC 8 T18N R24W) (LAT 47° 20' 4.01" N LONG 114° 40'
18.25" W).

Maximum Volume:

Source Name: BURGESS CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESE	8	18N	24W	SANDERS
Period of Diversion:						Flow Rate:
JANUARY 1 TO JANUARY 31						0.60 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 0.80 CFS
MARCH 1 TO MARCH 31						Flow Rate: 1.90 CFS
APRIL 1 TO APRIL 30						Flow Rate: 3.30 CFS
MAY 1 TO MAY 31						Flow Rate: 5.30 CFS
JUNE 1 TO JUNE 30						Flow Rate: 2.00 CFS
JULY 1 TO JULY 31						Flow Rate: 1.00 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 1.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 0.70 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 0.70 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 0.70 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 0.70 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				8	18N	24W	SANDERS
2				9	18N	24W	SANDERS
3				16	18N	24W	SANDERS
4				17	18N	24W	SANDERS
5				20	18N	24W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052746 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052747 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate: 3.20 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN LITTLE
MONEY CREEK (SESE SEC 5 T18N R24W) (LAT 47° 20' 38.64" N LONG 114° 40'
22.30" W).

Maximum Volume:

Source Name: LITTLE MONEY CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESE	5	18N	24W	SANDERS

Period of Diversion: JANUARY 1 TO JANUARY 31 **Flow Rate:** 0.00 CFS
FEBRUARY 1 TO FEBRUARY 28 **Flow Rate:** 0.00 CFS
MARCH 1 TO MARCH 31 **Flow Rate:** 1.10 CFS
APRIL 1 TO APRIL 30 **Flow Rate:** 2.80 CFS
MAY 1 TO MAY 31 **Flow Rate:** 3.20 CFS
JUNE 1 TO JUNE 30 **Flow Rate:** 1.70 CFS
JULY 1 TO JULY 31 **Flow Rate:** 0.00 CFS
AUGUST 1 TO AUGUST 31 **Flow Rate:** 0.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30 **Flow Rate:** 0.00 CFS
OCTOBER 1 TO OCTOBER 31 **Flow Rate:** 0.00 CFS
NOVEMBER 1 TO NOVEMBER 30 **Flow Rate:** 0.00 CFS
DECEMBER 1 TO DECEMBER 31 **Flow Rate:** 0.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				4	18N	24W	SANDERS
2				5	18N	24W	SANDERS
3				33	19N	24W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052747 MAP EXHIBIT(S) 1.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER
RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE
OF MONTANA, AND THE UNITED STATES OF AMERICA.

Remarks:

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052748 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 9.80 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN FINLEY
CREEK (SWSW SEC 30 T15N R19W) (LAT 47° 1' 26.50" N LONG 114° 3' 36.82" W).

Maximum Volume:

Source Name: FINLEY CREEK

Source Type: SURFACE WATER

THE SOURCE IS A TRIBUTARY OF JOCKO RIVER.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSW	30	15N	19W	MISSOULA
Period of Diversion:						
JANUARY 1 TO JANUARY 31						Flow Rate: 0.50 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 0.50 CFS
MARCH 1 TO MARCH 31						Flow Rate: 0.60 CFS
APRIL 1 TO APRIL 30						Flow Rate: 1.50 CFS
MAY 1 TO MAY 31						Flow Rate: 9.80 CFS
JUNE 1 TO JUNE 30						Flow Rate: 9.60 CFS
JULY 1 TO JULY 31						Flow Rate: 3.50 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 1.50 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 0.90 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 0.70 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 0.60 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 0.40 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				30	15N	19W	MISSOULA
2				31	15N	19W	MISSOULA

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER
RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE
OF MONTANA, AND THE UNITED STATES OF AMERICA.

SEE 30052748 MAP EXHIBIT(S) 1.

PROPOSED.V1.2015

Remarks:

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052749 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate: 3.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN FROG
CREEK (SWNW SEC 24 T15N R20W) (LAT 47° 2' 43.30" N LONG 114° 4' 52.14" W).

Maximum Volume:

Source Name: FROG CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		SWNW	24	15N	20W	MISSOULA	
Period of Diversion:							
JANUARY 1 TO JANUARY 31							Flow Rate: 0.10 CFS
FEBRUARY 1 TO FEBRUARY 28							Flow Rate: 0.10 CFS
MARCH 1 TO MARCH 31							Flow Rate: 0.20 CFS
APRIL 1 TO APRIL 30							Flow Rate: 0.50 CFS
MAY 1 TO MAY 31							Flow Rate: 3.00 CFS
JUNE 1 TO JUNE 30							Flow Rate: 2.90 CFS
JULY 1 TO JULY 31							Flow Rate: 1.10 CFS
AUGUST 1 TO AUGUST 31							Flow Rate: 0.50 CFS
SEPTEMBER 1 TO SEPTEMBER 30							Flow Rate: 0.30 CFS
OCTOBER 1 TO OCTOBER 31							Flow Rate: 0.20 CFS
NOVEMBER 1 TO NOVEMBER 30							Flow Rate: 0.20 CFS
DECEMBER 1 TO DECEMBER 31							Flow Rate: 0.10 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				9	15N	20W	MISSOULA
2				10	15N	20W	MISSOULA
3				14	15N	20W	MISSOULA
4				15	15N	20W	MISSOULA
5				23	15N	20W	MISSOULA
6				24	15N	20W	MISSOULA

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052749 MAP EXHIBIT(S) 1.

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052750 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 13.60 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
ANTOINE CREEK (NESW SEC 19 T15N R19W) (LAT 47° 2' 35.21" N LONG 114° 3'
1.02" W).

Maximum Volume:

Source Name: ANTOINE CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESW	19	15N	19W	MISSOULA
Period of Diversion: JANUARY 1 TO JANUARY 31						Flow Rate: 0.70 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 0.60 CFS
MARCH 1 TO MARCH 31						Flow Rate: 0.90 CFS
APRIL 1 TO APRIL 30						Flow Rate: 2.10 CFS
MAY 1 TO MAY 31						Flow Rate: 13.60 CFS
JUNE 1 TO JUNE 30						Flow Rate: 13.30 CFS
JULY 1 TO JULY 31						Flow Rate: 4.80 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 2.10 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 1.30 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 1.00 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 0.80 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 0.50 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				15	15N	19W	MISSOULA
2				19	15N	19W	MISSOULA
3				20	15N	19W	MISSOULA
4				21	15N	19W	MISSOULA
5				22	15N	19W	MISSOULA

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

SEE 30052750 MAP EXHIBIT(S) 1.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052751 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate: 7.40 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
CHRISTINE CREEK (NWNW SEC 7 T15N R19W) (LAT 47° 4' 37.33" N LONG 114° 3'
20.78" W).

Maximum Volume:

Source Name: CHRISTINE CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNW	7	15N	19W	MISSOULA
Period of Diversion: JANUARY 1 TO JANUARY 31						
					Flow Rate:	0.40 CFS
					Flow Rate:	0.40 CFS
					Flow Rate:	0.50 CFS
					Flow Rate:	1.20 CFS
					Flow Rate:	7.40 CFS
					Flow Rate:	7.30 CFS
					Flow Rate:	2.60 CFS
					Flow Rate:	1.20 CFS
					Flow Rate:	0.70 CFS
					Flow Rate:	0.50 CFS
					Flow Rate:	0.40 CFS
					Flow Rate:	0.30 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				7	15N	19W	MISSOULA
2				8	15N	19W	MISSOULA
3				15	15N	19W	MISSOULA
4				16	15N	19W	MISSOULA
5				17	15N	19W	MISSOULA
6				18	15N	19W	MISSOULA

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE
USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO
SATISFY THIS RIGHT.

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052751 MAP EXHIBIT(S) 1.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052752 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 7.10 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN THE
UNNAMED TRIBUTARY OF FINLEY CREEK (SWNE SEC 6 T15N R19W) (LAT 47° 5'
27.01" N LONG 114° 2' 43.62" W).

Maximum Volume:

Source Name: UNNAMED TRIBUTARY OF FINLEY CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNE	6	15N	19W	MISSOULA
Period of Diversion: JANUARY 1 TO JANUARY 31						Flow Rate: 0.00 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 0.00 CFS
MARCH 1 TO MARCH 31						Flow Rate: 0.00 CFS
APRIL 1 TO APRIL 30						Flow Rate: 7.10 CFS
MAY 1 TO MAY 31						Flow Rate: 2.00 CFS
JUNE 1 TO JUNE 30						Flow Rate: 0.90 CFS
JULY 1 TO JULY 31						Flow Rate: 0.00 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 0.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 0.00 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 0.00 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 0.00 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 0.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				5	15N	19W	MISSOULA
2				6	15N	19W	MISSOULA
3				8	15N	19W	MISSOULA
4				9	15N	19W	MISSOULA

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

SEE 30052752 MAP EXHIBIT(S) 1.

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052753 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate: 9.20 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN SCHLEY
CREEK (SWNE SEC 5 T15N R19W) (LAT 47° 5' 20.95" N LONG 114° 1' 41.98" W).

Maximum Volume:

Source Name: SCHLEY CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNE	5	15N	19W	MISSOULA
Period of Diversion: JANUARY 1 TO JANUARY 31						
					Flow Rate:	0.40 CFS
					Flow Rate:	0.40 CFS
					Flow Rate:	0.60 CFS
					Flow Rate:	1.40 CFS
					Flow Rate:	9.20 CFS
					Flow Rate:	9.00 CFS
					Flow Rate:	3.30 CFS
					Flow Rate:	1.40 CFS
					Flow Rate:	0.90 CFS
					Flow Rate:	0.70 CFS
					Flow Rate:	0.50 CFS
					Flow Rate:	0.30 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				4	15N	19W	MISSOULA
2				5	15N	19W	MISSOULA
3				9	15N	19W	MISSOULA
4				10	15N	19W	MISSOULA

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER
RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE
OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

SEE 30052753 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052754 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 69.80 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN THE
EAST FORK OF FINLEY CREEK (SESW SEC 32 T16N R19W) (LAT 47° 5' 42.27" N
LONG 114° 1' 54.74" W).

Maximum Volume:

Source Name: FINLEY CREEK, EAST FORK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESW	32	16N	19W	MISSOULA

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	3.30 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	3.30 CFS
MARCH 1 TO MARCH 31	Flow Rate:	4.50 CFS
APRIL 1 TO APRIL 30	Flow Rate:	11.00 CFS
MAY 1 TO MAY 31	Flow Rate:	69.80 CFS
JUNE 1 TO JUNE 30	Flow Rate:	68.50 CFS
JULY 1 TO JULY 31	Flow Rate:	24.80 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	10.80 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	6.60 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	5.10 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	4.20 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	2.70 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				2	15N	19W	MISSOULA
2				3	15N	19W	MISSOULA
3				4	15N	19W	MISSOULA
4				5	15N	19W	MISSOULA
5				11	15N	19W	MISSOULA
6				14	15N	19W	MISSOULA
7				32	16N	19W	MISSOULA
8				33	16N	19W	MISSOULA

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052754 MAP EXHIBIT(S) 1.

PROPOSED.V1.2015

Remarks:

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052755 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 8.10 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
CHARITY CREEK (SENW SEC 36 T16N R20W) (LAT 47° 6' 11.04" N LONG 114° 4'
15.20" W).

Maximum Volume:

Source Name: CHARITY CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENW	36	16N	20W	MISSOULA

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	0.40 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	0.40 CFS
MARCH 1 TO MARCH 31	Flow Rate:	0.50 CFS
APRIL 1 TO APRIL 30	Flow Rate:	1.30 CFS
MAY 1 TO MAY 31	Flow Rate:	8.10 CFS
JUNE 1 TO JUNE 30	Flow Rate:	7.90 CFS
JULY 1 TO JULY 31	Flow Rate:	2.90 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	1.30 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	0.80 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	0.60 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	0.50 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	0.30 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				3	15N	20W	MISSOULA
2				34	16N	20W	MISSOULA
3				35	16N	20W	MISSOULA
4				36	16N	20W	MISSOULA

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

Remarks:

SEE 30052755 MAP EXHIBIT(S) 1.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052756 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate: 3.20 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
MCCLURE CREEK (SWSE SEC 28 T16N R19W) (LAT 47° 6' 43.40" N LONG 114° 0'
19.17" W).

Maximum Volume:

Source Name: MCCLURE CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSE	28	16N	19W	MISSOULA

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	0.10 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	0.20 CFS
MARCH 1 TO MARCH 31	Flow Rate:	0.20 CFS
APRIL 1 TO APRIL 30	Flow Rate:	0.50 CFS
MAY 1 TO MAY 31	Flow Rate:	3.20 CFS
JUNE 1 TO JUNE 30	Flow Rate:	3.20 CFS
JULY 1 TO JULY 31	Flow Rate:	1.10 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	0.50 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	0.30 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	0.20 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	0.20 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	0.10 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				28	16N	19W	MISSOULA
2				33	16N	19W	MISSOULA
3				34	16N	19W	MISSOULA

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE
USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO
SATISFY THIS RIGHT.

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

SEE 30052756 MAP EXHIBIT(S) 1.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052757 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 73.90 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
AGENCY CREEK (SESE SEC 21 T16N R19W) (LAT 47° 7' 34.03" N LONG 113° 59'
51.36" W).

Maximum Volume:

Source Name: AGENCY CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESE	21	16N	19W	MISSOULA

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	3.70 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	3.60 CFS
MARCH 1 TO MARCH 31	Flow Rate:	4.60 CFS
APRIL 1 TO APRIL 30	Flow Rate:	11.80 CFS
MAY 1 TO MAY 31	Flow Rate:	73.90 CFS
JUNE 1 TO JUNE 30	Flow Rate:	72.50 CFS
JULY 1 TO JULY 31	Flow Rate:	28.90 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	10.90 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	7.00 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	6.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	4.80 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	3.40 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				30	16N	18W	MISSOULA
2				31	16N	18W	MISSOULA
3				21	16N	19W	MISSOULA
4				22	16N	19W	MISSOULA
5				25	16N	19W	MISSOULA
6				26	16N	19W	MISSOULA
7				27	16N	19W	MISSOULA

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

PROPOSED.V1.2015

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052757 MAP EXHIBIT(S) 1.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052758 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 5.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
BLODGETT CREEK (SWSE SEC 15 T16N R19W) (LAT 47° 8' 29.54" N LONG 113°
58' 58.70" W).

Maximum Volume:

Source Name: BLODGETT CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSE	15	16N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	0.20 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	0.20 CFS
MARCH 1 TO MARCH 31	Flow Rate:	0.30 CFS
APRIL 1 TO APRIL 30	Flow Rate:	0.80 CFS
MAY 1 TO MAY 31	Flow Rate:	5.00 CFS
JUNE 1 TO JUNE 30	Flow Rate:	4.90 CFS
JULY 1 TO JULY 31	Flow Rate:	2.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	0.70 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	0.50 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	0.40 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	0.30 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	0.20 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				13	16N	19W	LAKE
2				13	16N	19W	MISSOULA
3				14	16N	19W	LAKE
4				14	16N	19W	MISSOULA
5				15	16N	19W	LAKE
6				15	16N	19W	MISSOULA
7				23	16N	19W	MISSOULA
8				24	16N	19W	MISSOULA

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

SEE 30052758 MAP EXHIBIT(S) 1.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052759 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 48.40 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN BIG
KNIFE CREEK (SWNW SEC 14 T16N R19W) (LAT 47° 8' 54.19" N LONG 113° 58'
28.95" W).

Maximum Volume:

Source Name: BIG KNIFE CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNW	14	16N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31

Flow Rate: 5.30 CFS

FEBRUARY 1 TO FEBRUARY 28

Flow Rate: 4.70 CFS

MARCH 1 TO MARCH 31

Flow Rate: 5.30 CFS

APRIL 1 TO APRIL 30

Flow Rate: 7.00 CFS

MAY 1 TO MAY 31

Flow Rate: 28.00 CFS

JUNE 1 TO JUNE 30

Flow Rate: 48.40 CFS

JULY 1 TO JULY 31

Flow Rate: 28.20 CFS

AUGUST 1 TO AUGUST 31

Flow Rate: 15.90 CFS

SEPTEMBER 1 TO SEPTEMBER 30

Flow Rate: 11.60 CFS

OCTOBER 1 TO OCTOBER 31

Flow Rate: 9.10 CFS

NOVEMBER 1 TO NOVEMBER 30

Flow Rate: 7.50 CFS

DECEMBER 1 TO DECEMBER 31

Flow Rate: 6.90 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				18	16N	18W	MISSOULA
2				19	16N	18W	MISSOULA
3				20	16N	18W	MISSOULA
4				29	16N	18W	MISSOULA
5				30	16N	18W	MISSOULA
6				13	16N	19W	LAKE
7				13	16N	19W	MISSOULA
8				14	16N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

SEE 30052760 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052761 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 12.50 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN COLD
CREEK (SENE SEC 31 T17N R18W) (LAT 47° 11' 23.76" N LONG 113° 55' 47.83" W).

Maximum Volume:

Source Name: COLD CREEK

Source Type: SURFACE WATER

THE SOURCE IS A TRIBUTARY OF JOCKO RIVER.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENE	31	17N	18W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	0.70 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	0.50 CFS
MARCH 1 TO MARCH 31	Flow Rate:	0.70 CFS
APRIL 1 TO APRIL 30	Flow Rate:	1.10 CFS
MAY 1 TO MAY 31	Flow Rate:	6.50 CFS
JUNE 1 TO JUNE 30	Flow Rate:	12.50 CFS
JULY 1 TO JULY 31	Flow Rate:	9.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	4.20 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	2.20 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	1.60 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	1.10 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	0.70 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				4	16N	18W	MISSOULA
2				5	16N	18W	MISSOULA
3				9	16N	18W	MISSOULA
4				31	17N	18W	LAKE
5				32	17N	18W	LAKE
6				32	17N	18W	MISSOULA

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE
USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO
SATISFY THIS RIGHT.
PROPOSED.V1.2015

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

SEE 30052761 MAP EXHIBIT(S) 1.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052762 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 13.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN PISTOL
CREEK (SWNE SEC 31 T17N R18W) (LAT 47° 11' 33.00" N LONG 113° 56' 16.36" W).

Maximum Volume:

Source Name: PISTOL CREEK

Source Type: SURFACE WATER

THE SOURCE IS A TRIBUTARY OF JOCKO RIVER.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNE	31	17N	18W	LAKE
Period of Diversion: JANUARY 1 TO JANUARY 31						
					Flow Rate:	0.70 CFS
					Flow Rate:	0.50 CFS
					Flow Rate:	0.70 CFS
					Flow Rate:	1.20 CFS
					Flow Rate:	6.80 CFS
					Flow Rate:	13.00 CFS
					Flow Rate:	9.40 CFS
					Flow Rate:	4.40 CFS
					Flow Rate:	2.30 CFS
					Flow Rate:	1.70 CFS
					Flow Rate:	1.20 CFS
					Flow Rate:	0.80 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				30	17N	18W	LAKE
2				31	17N	18W	LAKE
3				15	17N	19W	LAKE
4				16	17N	19W	LAKE
5				22	17N	19W	LAKE
6				23	17N	19W	LAKE
7				25	17N	19W	LAKE
8				26	17N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

SEE 30052762 MAP EXHIBIT(S) 1.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052763 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 459.20 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN THE
SOUTH FORK OF JOCKO RIVER (NWNE SEC 35 T17N R18W) (LAT 47° 11' 41.37" N
LONG 113° 51' 10.73" W).

Maximum Volume:

Source Name: JOCKO RIVER, SOUTH FORK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNE	35	17N	18W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	13.80 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	13.70 CFS
MARCH 1 TO MARCH 31	Flow Rate:	19.40 CFS
APRIL 1 TO APRIL 30	Flow Rate:	54.50 CFS
MAY 1 TO MAY 31	Flow Rate:	459.20 CFS
JUNE 1 TO JUNE 30	Flow Rate:	446.50 CFS
JULY 1 TO JULY 31	Flow Rate:	139.60 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	53.50 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	30.40 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	22.70 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	17.50 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	10.60 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				6	16N	17W	MISSOULA
2				7	16N	17W	MISSOULA
3				8	16N	17W	MISSOULA
4				17	16N	17W	MISSOULA
5				20	16N	17W	MISSOULA
6				21	16N	17W	MISSOULA
7				28	16N	17W	MISSOULA
8				29	16N	17W	MISSOULA
9				31	16N	17W	MISSOULA
10				32	16N	17W	MISSOULA
11				15	16N	18W	MISSOULA
12				22	16N	18W	MISSOULA
13				23	16N	18W	MISSOULA
14				25	16N	18W	MISSOULA
15				26	16N	18W	MISSOULA
16				36	16N	18W	MISSOULA
17				31	17N	17W	MISSOULA
18				32	17N	17W	MISSOULA

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
19				35	17N	18W	LAKE
20				36	17N	18W	LAKE
21				36	17N	18W	MISSOULA

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

SEE 30052763 MAP EXHIBIT(S) 1 THROUGH 8.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052764 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 389.40 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN THE
NORTH FORK OF JOCKO RIVER (NWNE SEC 24 T17N R18W) (LAT 47° 13' 19.85" N
LONG 113° 49' 41.78" W).

Maximum Volume:

Source Name: JOCKO RIVER, NORTH FORK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNE	24	17N	18W	LAKE
Period of Diversion: JANUARY 1 TO JANUARY 31						Flow Rate: 11.60 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 7.30 CFS
MARCH 1 TO MARCH 31						Flow Rate: 5.70 CFS
APRIL 1 TO APRIL 30						Flow Rate: 46.40 CFS
MAY 1 TO MAY 31						Flow Rate: 310.50 CFS
JUNE 1 TO JUNE 30						Flow Rate: 389.40 CFS
JULY 1 TO JULY 31						Flow Rate: 110.70 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 16.80 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 9.30 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 14.70 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 16.00 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 4.20 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				3	17N	17W	MISSOULA
2				4	17N	17W	MISSOULA
3				8	17N	17W	MISSOULA
4				9	17N	17W	MISSOULA
5				17	17N	17W	MISSOULA
6				18	17N	17W	MISSOULA
7				24	17N	18W	LAKE
8				24	17N	18W	MISSOULA
9				28	18N	17W	MISSOULA
10				33	18N	17W	MISSOULA
11				34	18N	17W	MISSOULA

Remarks:

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052764 MAP EXHIBIT(S) 1.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052765 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 28.10 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN FALLS
CREEK (SESE SEC 15 T17N R18W) (LAT 47° 13' 33.29" N LONG 113° 52' 1.22" W).

Maximum Volume:

Source Name: FALLS CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESE	15	17N	18W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	1.50 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	1.10 CFS
MARCH 1 TO MARCH 31	Flow Rate:	1.60 CFS
APRIL 1 TO APRIL 30	Flow Rate:	2.60 CFS
MAY 1 TO MAY 31	Flow Rate:	14.60 CFS
JUNE 1 TO JUNE 30	Flow Rate:	28.10 CFS
JULY 1 TO JULY 31	Flow Rate:	20.40 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	9.50 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	4.90 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	3.60 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	2.50 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	1.70 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				2	17N	18W	LAKE
2				11	17N	18W	LAKE
3				14	17N	18W	LAKE
4				15	17N	18W	LAKE
5				35	18N	18W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER
RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE
OF MONTANA, AND THE UNITED STATES OF AMERICA.

Remarks:

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

SEE 30052765 MAP EXHIBIT(S) 1.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052766 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate: 4.60 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN S-14
CREEK (SWSW SEC 15 T17N R18W) (LAT 47° 13' 37.79" N LONG 113° 52' 56.13"
W).

Maximum Volume:

Source Name: S-14 CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSW	15	17N	18W	LAKE
Period of Diversion:						
JANUARY 1 TO JANUARY 31						Flow Rate: 0.20 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 0.20 CFS
MARCH 1 TO MARCH 31						Flow Rate: 0.30 CFS
APRIL 1 TO APRIL 30						Flow Rate: 0.40 CFS
MAY 1 TO MAY 31						Flow Rate: 2.40 CFS
JUNE 1 TO JUNE 30						Flow Rate: 4.60 CFS
JULY 1 TO JULY 31						Flow Rate: 3.30 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 1.50 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 0.80 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 0.60 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 0.40 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 0.30 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				3	17N	18W	LAKE
2				10	17N	18W	LAKE
3				15	17N	18W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE
USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO
SATISFY THIS RIGHT.

Remarks:

SEE 30052766 MAP EXHIBIT(S) 1.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052767 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 6.50 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
GRIZZLY CREEK (NWNW SEC 16 T17N R18W) (LAT 47° 14' 21.58" N LONG 113° 54'
18.88" W).

Maximum Volume:

Source Name: GRIZZLY CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNW	16	17N	18W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31 **Flow Rate:** 0.40 CFS
FEBRUARY 1 TO FEBRUARY 28 **Flow Rate:** 0.30 CFS
MARCH 1 TO MARCH 31 **Flow Rate:** 0.40 CFS
APRIL 1 TO APRIL 30 **Flow Rate:** 0.60 CFS
MAY 1 TO MAY 31 **Flow Rate:** 3.40 CFS
JUNE 1 TO JUNE 30 **Flow Rate:** 6.50 CFS
JULY 1 TO JULY 31 **Flow Rate:** 4.70 CFS
AUGUST 1 TO AUGUST 31 **Flow Rate:** 2.20 CFS
SEPTEMBER 1 TO SEPTEMBER 30 **Flow Rate:** 1.10 CFS
OCTOBER 1 TO OCTOBER 31 **Flow Rate:** 0.80 CFS
NOVEMBER 1 TO NOVEMBER 30 **Flow Rate:** 0.60 CFS
DECEMBER 1 TO DECEMBER 31 **Flow Rate:** 0.40 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				3	17N	18W	LAKE
2				4	17N	18W	LAKE
3				9	17N	18W	LAKE
4				16	17N	18W	LAKE
5				34	18N	18W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER
RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE
OF MONTANA, AND THE UNITED STATES OF AMERICA.

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

SEE 30052767 MAP EXHIBIT(S) 1.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052768 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 15.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN KELLYS
CREEK (SENW SEC 29 T17N R18W) (LAT 47° 12' 13.12" N LONG 113° 55' 18.59" W).

Maximum Volume:

Source Name: KELLYS CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENW	29	17N	18W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	0.80 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	0.60 CFS
MARCH 1 TO MARCH 31	Flow Rate:	0.90 CFS
APRIL 1 TO APRIL 30	Flow Rate:	1.40 CFS
MAY 1 TO MAY 31	Flow Rate:	7.80 CFS
JUNE 1 TO JUNE 30	Flow Rate:	15.00 CFS
JULY 1 TO JULY 31	Flow Rate:	10.90 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	5.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	2.60 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	1.90 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	1.30 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	0.90 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				7	17N	18W	LAKE
2				17	17N	18W	LAKE
3				18	17N	18W	LAKE
4				20	17N	18W	LAKE
5				29	17N	18W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052768 MAP EXHIBIT(S) 1.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052769 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 25.90 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN THE
UNNAMED TRIBUTARY OF FINLEY CREEK (SENE SEC 14 T16N R20W) (LAT 47° 8'
54.94" N LONG 114° 4' 56.65" W).

Maximum Volume:

Source Name: UNNAMED TRIBUTARY OF FINLEY CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENE	14	16N	20W	LAKE
Period of Diversion:						
JANUARY 1 TO JANUARY 31						Flow Rate: 1.40 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 0.70 CFS
MARCH 1 TO MARCH 31						Flow Rate: 0.70 CFS
APRIL 1 TO APRIL 30						Flow Rate: 25.90 CFS
MAY 1 TO MAY 31						Flow Rate: 7.50 CFS
JUNE 1 TO JUNE 30						Flow Rate: 5.20 CFS
JULY 1 TO JULY 31						Flow Rate: 0.90 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 0.80 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 1.30 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 1.90 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 1.30 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 1.30 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				10	16N	20W	LAKE
2				14	16N	20W	LAKE
3				15	16N	20W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052769 MAP EXHIBIT(S) 1.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE
USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO
SATISFY THIS RIGHT.

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052770 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 403.95 GPM

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
PELLEW CREEK (NWSW SEC 32 T17N R19W) (LAT 47° 11' 14.60" N LONG 114° 3'
0.83" W).

Maximum Volume:

Source Name: PELLEW CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSW	32	17N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate: 44.88 GPM
FEBRUARY 1 TO FEBRUARY 28	Flow Rate: 44.88 GPM
MARCH 1 TO MARCH 31	Flow Rate: 44.88 GPM
APRIL 1 TO APRIL 30	Flow Rate: 134.65 GPM
MAY 1 TO MAY 31	Flow Rate: 359.06 GPM
JUNE 1 TO JUNE 30	Flow Rate: 403.95 GPM
JULY 1 TO JULY 31	Flow Rate: 314.18 GPM
AUGUST 1 TO AUGUST 31	Flow Rate: 224.42 GPM
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate: 179.53 GPM
OCTOBER 1 TO OCTOBER 31	Flow Rate: 134.65 GPM
NOVEMBER 1 TO NOVEMBER 30	Flow Rate: 134.65 GPM
DECEMBER 1 TO DECEMBER 31	Flow Rate: 89.77 GPM

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				28	17N	19W	LAKE
2				29	17N	19W	LAKE
3				32	17N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER
RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE
OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

Remarks:

SEE 30052770 MAP EXHIBIT(S) 1.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052771 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 2.40 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
LAMOOSSE CREEK (NWNW SEC 24 T17N R20W) (LAT 47° 13' 28.81" N LONG 114°
5' 41.77" W).

Maximum Volume:

Source Name: LAMOOSSE CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		NWNW	24	17N	20W	LAKE	
Period of Diversion: JANUARY 1 TO JANUARY 31							Flow Rate: 0.40 CFS
FEBRUARY 1 TO FEBRUARY 28							Flow Rate: 0.30 CFS
MARCH 1 TO MARCH 31							Flow Rate: 0.30 CFS
APRIL 1 TO APRIL 30							Flow Rate: 0.70 CFS
MAY 1 TO MAY 31							Flow Rate: 2.10 CFS
JUNE 1 TO JUNE 30							Flow Rate: 2.40 CFS
JULY 1 TO JULY 31							Flow Rate: 1.90 CFS
AUGUST 1 TO AUGUST 31							Flow Rate: 1.30 CFS
SEPTEMBER 1 TO SEPTEMBER 30							Flow Rate: 1.10 CFS
OCTOBER 1 TO OCTOBER 31							Flow Rate: 0.80 CFS
NOVEMBER 1 TO NOVEMBER 30							Flow Rate: 0.80 CFS
DECEMBER 1 TO DECEMBER 31							Flow Rate: 0.70 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				17	17N	19W	LAKE
2				18	17N	19W	LAKE
3				13	17N	20W	LAKE
4				24	17N	20W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE
WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

SEE 30052771 MAP EXHIBIT(S) 1.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052772 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 101.80 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN VALLEY
CREEK (SWSW SEC 24 T17N R21W) (LAT 47° 12' 46.70" N LONG 114° 13' 20.10"
W).

Maximum Volume:

Source Name: VALLEY CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSW	24	17N	21W	SANDERS
Period of Diversion:						
JANUARY 1 TO JANUARY 31						Flow Rate: 9.00 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 8.70 CFS
MARCH 1 TO MARCH 31						Flow Rate: 10.20 CFS
APRIL 1 TO APRIL 30						Flow Rate: 38.70 CFS
MAY 1 TO MAY 31						Flow Rate: 101.80 CFS
JUNE 1 TO JUNE 30						Flow Rate: 97.60 CFS
JULY 1 TO JULY 31						Flow Rate: 44.30 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 26.20 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 18.00 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 15.50 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 14.00 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 7.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				2	16N	21W	SANDERS
2				3	16N	21W	SANDERS
3				7	16N	21W	SANDERS
4				9	16N	21W	SANDERS
5				10	16N	21W	SANDERS
6				16	16N	21W	SANDERS
7				17	16N	21W	SANDERS
8				18	16N	21W	SANDERS
9				11	16N	22W	SANDERS
10				12	16N	22W	SANDERS
11				24	17N	21W	SANDERS
12				25	17N	21W	SANDERS
13				36	17N	21W	SANDERS

Remarks:

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

SEE 30052772 MAP EXHIBIT(S) 1.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052773 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate: 27.80 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN THE
NORTH FORK OF VALLEY CREEK (SWNW SEC 15 T17N R21W) (LAT 47° 13' 59.43"
N LONG 114° 15' 44.69" W).

Maximum Volume:

Source Name: VALLEY CREEK, NORTH FORK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNW	15	17N	21W	SANDERS
Period of Diversion: JANUARY 1 TO JANUARY 31						
					Flow Rate:	3.40 CFS
					Flow Rate:	3.40 CFS
					Flow Rate:	6.70 CFS
					Flow Rate:	16.50 CFS
					Flow Rate:	27.80 CFS
					Flow Rate:	24.60 CFS
					Flow Rate:	8.50 CFS
					Flow Rate:	13.30 CFS
					Flow Rate:	8.50 CFS
					Flow Rate:	7.20 CFS
					Flow Rate:	6.60 CFS
					Flow Rate:	3.20 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				15	17N	21W	SANDERS
2				16	17N	21W	SANDERS
3				17	17N	21W	SANDERS
4				19	17N	21W	SANDERS
5				20	17N	21W	SANDERS
6				30	17N	21W	SANDERS
7				24	17N	22W	SANDERS
8				25	17N	22W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THE OWNERS OF THIS WATER RIGHT SHALL BE ENTITLED TO MAKE A CALL TO ENFORCE THIS WATER RIGHT AGAINST ANY WATER RIGHT UPSTREAM OF THE DOWNSTREAM POINT OF THE PROTECTABLE REACH ASSOCIATED WITH THIS WATER RIGHT, EXCEPT FOR THE FOLLOWING WATER RIGHTS: 215336-00, 215365-00

SEE 30052773 MAP EXHIBIT(S) 1.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052774 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate: 26.80 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN SELOW
CREEK (SESE SEC 30 T18N R21W) (LAT 47° 17' 12.00" N LONG 114° 18' 41.61" W).

Maximum Volume:

Source Name: SELOW CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESE	30	18N	21W	SANDERS
Period of Diversion: JANUARY 1 TO JANUARY 31						
					Flow Rate:	0.00 CFS
					Flow Rate:	0.00 CFS
					Flow Rate:	0.16 CFS
					Flow Rate:	26.80 CFS
					Flow Rate:	7.40 CFS
					Flow Rate:	3.50 CFS
					Flow Rate:	0.08 CFS
					Flow Rate:	0.00 CFS
					Flow Rate:	0.00 CFS
					Flow Rate:	0.00 CFS
					Flow Rate:	0.00 CFS
					Flow Rate:	0.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				1	17N	22W	SANDERS
2				30	18N	21W	SANDERS
3				31	18N	21W	SANDERS
4				36	18N	22W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052774 MAP EXHIBIT(S) 1.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE
USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO
SATISFY THIS RIGHT.

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052775 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 22.10 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN RONAN
SPRING CREEK (SWSW SEC 31 T21N R19W) (LAT 47° 32' 39.74" N LONG 114° 5'
20.76" W).

Maximum Volume:

Source Name: SPRING CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS RONAN SPRING CREEK

THE SOURCE IS A TRIBUTARY OF CROW CREEK.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSW	31	21N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate: 17.80 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate: 18.20 CFS
MARCH 1 TO MARCH 31	Flow Rate: 18.00 CFS
APRIL 1 TO APRIL 30	Flow Rate: 18.00 CFS
MAY 1 TO MAY 31	Flow Rate: 17.90 CFS
JUNE 1 TO JUNE 30	Flow Rate: 18.20 CFS
JULY 1 TO JULY 31	Flow Rate: 17.80 CFS
AUGUST 1 TO AUGUST 31	Flow Rate: 19.90 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate: 21.20 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate: 22.10 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate: 21.40 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate: 19.50 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				31	21N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE
USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO
SATISFY THIS RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER
RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE
OF MONTANA, AND THE UNITED STATES OF AMERICA.

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS RIGHT SHALL PERTAIN TO ALL TRIBUTARIES AND SURFACE WATER SOURCES WITHIN THE WATERSHED AREA UPSTREAM OF THE IDENTIFIED POINT OF DIVERSION FOR THIS RIGHT.

SEE 30052775 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052776 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 96.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN THE
MIDDLE FORK OF JOCKO RIVER, BELOW THE TABOR FEEDER CANAL FIIP
DIVERSION (SWSW SEC 20 T17N R17W) (LAT 47° 12' 36.84" N LONG 113° 48'
10.58" W).

Maximum Volume:

Source Name: JOCKO RIVER, MIDDLE FORK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSW	20	17N	17W	MISSOULA

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	11.00 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	11.00 CFS
MARCH 1 TO MARCH 31	Flow Rate:	12.00 CFS
APRIL 1 TO APRIL 30	Flow Rate:	21.00 CFS
MAY 1 TO MAY 31	Flow Rate:	52.00 CFS
JUNE 1 TO JUNE 30	Flow Rate:	96.00 CFS
JULY 1 TO JULY 31	Flow Rate:	93.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	72.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	59.00 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	38.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	14.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	10.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				19	17N	17W	MISSOULA
2				20	17N	17W	MISSOULA
3				27	17N	17W	MISSOULA
4				28	17N	17W	MISSOULA
5				29	17N	17W	MISSOULA
6				30	17N	17W	MISSOULA
7				25	17N	18W	LAKE
8				25	17N	18W	MISSOULA
9				26	17N	18W	LAKE
10				35	17N	18W	LAKE

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE
WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF
MONTANA, AND THE UNITED STATES OF AMERICA,

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052776 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052777 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 210.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN THE
NORTH FORK OF JOCKO RIVER, BELOW THE TABOR FEEDER CANAL FIIP
DIVERSION (NWNE SEC 24 T17N R18W) (LAT 47° 13' 20.27" N LONG 113° 49'
53.97" W).

Maximum Volume:

Source Name: JOCKO RIVER, NORTH FORK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		NWNE	24	17N	18W	LAKE	
Period of Diversion:							
JANUARY 1 TO JANUARY 31							Flow Rate: 11.00 CFS
FEBRUARY 1 TO FEBRUARY 28							Flow Rate: 8.00 CFS
MARCH 1 TO MARCH 31							Flow Rate: 14.00 CFS
APRIL 1 TO APRIL 30							Flow Rate: 30.00 CFS
MAY 1 TO MAY 31							Flow Rate: 110.00 CFS
JUNE 1 TO JUNE 30							Flow Rate: 210.00 CFS
JULY 1 TO JULY 31							Flow Rate: 60.00 CFS
AUGUST 1 TO AUGUST 31							Flow Rate: 14.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30							Flow Rate: 10.00 CFS
OCTOBER 1 TO OCTOBER 31							Flow Rate: 10.00 CFS
NOVEMBER 1 TO NOVEMBER 30							Flow Rate: 13.00 CFS
DECEMBER 1 TO DECEMBER 31							Flow Rate: 8.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				21	17N	18W	LAKE
2				22	17N	18W	LAKE
3				23	17N	18W	LAKE
4				24	17N	18W	LAKE
5				28	17N	18W	LAKE
6				29	17N	18W	LAKE

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE
WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF
MONTANA, AND THE UNITED STATES OF AMERICA,

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052779 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 314.18 GPM

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN S-14
CREEK, BELOW THE TABOR FEEDER CANAL FIIP DIVERSION (SWSW SEC 15
T17N R18W) (LAT 47° 13' 36.57" N LONG 113° 52' 56.44" W).

Maximum Volume:

Source Name: S-14 CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSW	15	17N	18W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	89.77 GPM
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	89.77 GPM
MARCH 1 TO MARCH 31	Flow Rate:	89.77 GPM
APRIL 1 TO APRIL 30	Flow Rate:	134.65 GPM
MAY 1 TO MAY 31	Flow Rate:	179.53 GPM
JUNE 1 TO JUNE 30	Flow Rate:	314.18 GPM
JULY 1 TO JULY 31	Flow Rate:	179.53 GPM
AUGUST 1 TO AUGUST 31	Flow Rate:	134.65 GPM
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	89.77 GPM
OCTOBER 1 TO OCTOBER 31	Flow Rate:	89.77 GPM
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	134.65 GPM
DECEMBER 1 TO DECEMBER 31	Flow Rate:	89.77 GPM

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				15	17N	18W	LAKE
2				21	17N	18W	LAKE
3				22	17N	18W	LAKE

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE
WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF
MONTANA, AND THE UNITED STATES OF AMERICA,

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052779 MAP EXHIBIT(S) 1.

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052780 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 446.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN JOCKO
RIVER, BELOW THE UPPER JOCKO S CANAL FIIP DIVERSION (NESE SEC 29
T17N R18W) (LAT 47° 12' 7.63" N LONG 113° 54' 36.53" W).

Maximum Volume:

Source Name: JOCKO RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESE	29	17N	18W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	29.00 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	24.00 CFS
MARCH 1 TO MARCH 31	Flow Rate:	29.00 CFS
APRIL 1 TO APRIL 30	Flow Rate:	101.00 CFS
MAY 1 TO MAY 31	Flow Rate:	334.00 CFS
JUNE 1 TO JUNE 30	Flow Rate:	446.00 CFS
JULY 1 TO JULY 31	Flow Rate:	213.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	92.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	82.00 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	63.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	32.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	23.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				26	17N	18W	LAKE
2				27	17N	18W	LAKE
3				28	17N	18W	LAKE
4				29	17N	18W	LAKE
5				34	17N	18W	LAKE
6				35	17N	18W	LAKE

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE
WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF
MONTANA, AND THE UNITED STATES OF AMERICA,

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

SEE 30052780 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052781 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 11.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN COLD
CREEK, BELOW THE UPPER JOCKO S CANAL FIIP DIVERSION (SENW SEC 29
T17N R18W) (LAT 47° 11' 21.96" N LONG 113° 56' 17.54" W).

Maximum Volume:

Source Name: COLD CREEK

Source Type: SURFACE WATER

THE SOURCE IS A TRIBUTARY OF JOCKO RIVER.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		SENW	31	17N	18W	LAKE	
Period of Diversion: JANUARY 1 TO JANUARY 31							Flow Rate: 1.00 CFS
FEBRUARY 1 TO FEBRUARY 28							Flow Rate: 1.00 CFS
MARCH 1 TO MARCH 31							Flow Rate: 1.00 CFS
APRIL 1 TO APRIL 30							Flow Rate: 2.00 CFS
MAY 1 TO MAY 31							Flow Rate: 6.00 CFS
JUNE 1 TO JUNE 30							Flow Rate: 11.00 CFS
JULY 1 TO JULY 31							Flow Rate: 8.00 CFS
AUGUST 1 TO AUGUST 31							Flow Rate: 3.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30							Flow Rate: 2.00 CFS
OCTOBER 1 TO OCTOBER 31							Flow Rate: 2.00 CFS
NOVEMBER 1 TO NOVEMBER 30							Flow Rate: 1.00 CFS
DECEMBER 1 TO DECEMBER 31							Flow Rate: 1.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				31	17N	18W	LAKE

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE
WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF
MONTANA, AND THE UNITED STATES OF AMERICA,

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052781 MAP EXHIBIT(S) 1.

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052782 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 14.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN GOLD
CREEK, BELOW THE UPPER JOCKO S CANAL FIIP DIVERSION (SENE SEC 2
T16N R19W) (LAT 47° 10' 37.82" N LONG 113° 57' 22.70" W).

Maximum Volume:

Source Name: GOLD CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENE	2	16N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	1.00 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	1.00 CFS
MARCH 1 TO MARCH 31	Flow Rate:	1.00 CFS
APRIL 1 TO APRIL 30	Flow Rate:	2.00 CFS
MAY 1 TO MAY 31	Flow Rate:	7.00 CFS
JUNE 1 TO JUNE 30	Flow Rate:	14.00 CFS
JULY 1 TO JULY 31	Flow Rate:	9.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	4.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	2.00 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	2.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	1.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	1.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				1	16N	19W	LAKE
2				2	16N	19W	LAKE

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE
WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF
MONTANA, AND THE UNITED STATES OF AMERICA,

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

SEE 30052782 MAP EXHIBIT(S) 1.

PROPOSED.V1.2015

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052783 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 33.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN BIG
KNIFE CREEK, BELOW THE UPPER JOCKO S CANAL FIIP DIVERSION (SWNW
SEC 14 T16N R19W) (LAT 47° 8' 55.51" N LONG 113° 58' 29.50" W).

Maximum Volume:

Source Name: BIG KNIFE CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNW	14	16N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	5.00 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	5.00 CFS
MARCH 1 TO MARCH 31	Flow Rate:	5.00 CFS
APRIL 1 TO APRIL 30	Flow Rate:	7.00 CFS
MAY 1 TO MAY 31	Flow Rate:	17.00 CFS
JUNE 1 TO JUNE 30	Flow Rate:	33.00 CFS
JULY 1 TO JULY 31	Flow Rate:	9.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	5.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	4.00 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	8.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	7.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	6.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				10	16N	19W	LAKE
2				14	16N	19W	LAKE
3				15	16N	19W	LAKE

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE
WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF
MONTANA, AND THE UNITED STATES OF AMERICA,

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052783 MAP EXHIBIT(S) 1.

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052784 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 758.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN JOCKO
RIVER, BELOW THE JOCKO K CANAL FIIP DIVERSION (NESW SEC 10 T16N
R19W) (LAT 47° 9' 33.31" N LONG 113° 59' 10.45" W).

Maximum Volume:

Source Name: JOCKO RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESW	10	16N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	68.00 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	64.00 CFS
MARCH 1 TO MARCH 31	Flow Rate:	79.00 CFS
APRIL 1 TO APRIL 30	Flow Rate:	176.00 CFS
MAY 1 TO MAY 31	Flow Rate:	516.00 CFS
JUNE 1 TO JUNE 30	Flow Rate:	758.00 CFS
JULY 1 TO JULY 31	Flow Rate:	222.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	77.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	96.00 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	111.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	85.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	64.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				1	16N	19W	LAKE
2				2	16N	19W	LAKE
3				7	16N	19W	LAKE
4				8	16N	19W	LAKE
5				9	16N	19W	LAKE
6				10	16N	19W	LAKE
7				11	16N	19W	LAKE
8				1	16N	20W	LAKE
9				2	16N	20W	LAKE
10				12	16N	20W	LAKE
11				29	17N	18W	LAKE
12				30	17N	18W	LAKE
13				31	17N	18W	LAKE
14				36	17N	19W	LAKE

Remarks:

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA,

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052784 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052785 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate: 47.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
AGENCY CREEK, BELOW THE UPPER JOCKO J CANAL FIIP DIVERSION (NESE
SEC 21 T16N R19W) (LAT 47° 7' 47.39" N LONG 113° 59' 59.96" W).

Maximum Volume:

Source Name: AGENCY CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESE	21	16N	19W	MISSOULA
Period of Diversion:						
JANUARY 1 TO JANUARY 31						Flow Rate: 5.00 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 3.00 CFS
MARCH 1 TO MARCH 31						Flow Rate: 4.00 CFS
APRIL 1 TO APRIL 30						Flow Rate: 14.00 CFS
MAY 1 TO MAY 31						Flow Rate: 41.00 CFS
JUNE 1 TO JUNE 30						Flow Rate: 47.00 CFS
JULY 1 TO JULY 31						Flow Rate: 10.00 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 6.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 6.00 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 8.00 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 7.00 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 5.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				16	16N	19W	LAKE
2				16	16N	19W	MISSOULA
3				21	16N	19W	MISSOULA

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE
WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF
MONTANA, AND THE UNITED STATES OF AMERICA,

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

SEE 30052785 MAP EXHIBIT(S) 1.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052786 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 48.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN THE
EAST FORK OF FINLEY CREEK, BELOW THE JOCKO N CANAL FIIP DIVERSION
(SESW SEC 32 T16N R19W) (LAT 47° 5' 42.60" N LONG 114° 1' 57.02" W).

Maximum Volume:

Source Name: FINLEY CREEK, EAST FORK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESW	32	16N	19W	MISSOULA
Period of Diversion: JANUARY 1 TO JANUARY 31						
						Flow Rate: 4.00 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 3.00 CFS
MARCH 1 TO MARCH 31						Flow Rate: 4.00 CFS
APRIL 1 TO APRIL 30						Flow Rate: 13.00 CFS
MAY 1 TO MAY 31						Flow Rate: 39.00 CFS
JUNE 1 TO JUNE 30						Flow Rate: 48.00 CFS
JULY 1 TO JULY 31						Flow Rate: 14.00 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 5.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 4.00 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 5.00 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 4.00 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 3.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				31	16N	19W	MISSOULA
2				32	16N	19W	MISSOULA

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE
WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF
MONTANA, AND THE UNITED STATES OF AMERICA,

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052786 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052787 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 6.70 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN SCHLEY
CREEK, BELOW THE DONEY DITCH FIIP DIVERSION (NENE SEC 6 T15N R19W)
(LAT 47° 5' 35.57" N LONG 114° 2' 32.66" W).

Maximum Volume:

Source Name: SCHLEY CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENE	6	15N	19W	MISSOULA
Period of Diversion:						
JANUARY 1 TO JANUARY 31						Flow Rate: 0.50 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 0.40 CFS
MARCH 1 TO MARCH 31						Flow Rate: 0.50 CFS
APRIL 1 TO APRIL 30						Flow Rate: 1.70 CFS
MAY 1 TO MAY 31						Flow Rate: 5.20 CFS
JUNE 1 TO JUNE 30						Flow Rate: 6.70 CFS
JULY 1 TO JULY 31						Flow Rate: 2.50 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 1.10 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 0.70 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 0.70 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 0.60 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 0.40 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				5	15N	19W	MISSOULA
2				6	15N	19W	MISSOULA

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE
WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF
MONTANA, AND THE UNITED STATES OF AMERICA,

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
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FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052787 MAP EXHIBIT(S) 1.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

PROPOSED.V1.2015

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052788 COMPACT
Version: 1 -- ORIGINAL RIGHT
Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 156.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN FINLEY
CREEK, BELOW THE JOCKO E CANAL FIIP DIVERSION (NWNW SEC 2 T16N
R20W) (LAT 47° 10' 43.77" N LONG 114° 6' 3.82" W).

Maximum Volume:

Source Name: FINLEY CREEK
Source Type: SURFACE WATER

THE SOURCE IS A TRIBUTARY OF JOCKO RIVER.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNW	2	16N	20W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31 **Flow Rate:** 15.00 CFS
FEBRUARY 1 TO FEBRUARY 28 **Flow Rate:** 15.00 CFS
MARCH 1 TO MARCH 31 **Flow Rate:** 16.00 CFS
APRIL 1 TO APRIL 30 **Flow Rate:** 60.00 CFS
MAY 1 TO MAY 31 **Flow Rate:** 128.00 CFS
JUNE 1 TO JUNE 30 **Flow Rate:** 156.00 CFS
JULY 1 TO JULY 31 **Flow Rate:** 37.00 CFS
AUGUST 1 TO AUGUST 31 **Flow Rate:** 18.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30 **Flow Rate:** 22.00 CFS
OCTOBER 1 TO OCTOBER 31 **Flow Rate:** 24.00 CFS
NOVEMBER 1 TO NOVEMBER 30 **Flow Rate:** 21.00 CFS
DECEMBER 1 TO DECEMBER 31 **Flow Rate:** 16.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				19	16N	19W	MISSOULA
2				30	16N	19W	MISSOULA
3				31	16N	19W	MISSOULA
4				2	16N	20W	LAKE
5				11	16N	20W	LAKE
6				13	16N	20W	LAKE
7				14	16N	20W	LAKE
8				24	16N	20W	LAKE
9				24	16N	20W	MISSOULA

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE
WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF
MONTANA, AND THE UNITED STATES OF AMERICA,

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052788 MAP EXHIBIT(S) 1.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052789 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 983.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN JOCKO
RIVER, BELOW THE LOWER JOCKO S CANAL FIIP DIVERSION (NENE SEC 2 T16N
R20W) (LAT 47° 10' 53.26" N LONG 114° 6' 9.96" W).

Maximum Volume:

Source Name: JOCKO RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENE	2	16N	20W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate: 98.00 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate: 92.00 CFS
MARCH 1 TO MARCH 31	Flow Rate: 108.00 CFS
APRIL 1 TO APRIL 30	Flow Rate: 253.00 CFS
MAY 1 TO MAY 31	Flow Rate: 686.00 CFS
JUNE 1 TO JUNE 30	Flow Rate: 983.00 CFS
JULY 1 TO JULY 31	Flow Rate: 324.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate: 134.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate: 165.00 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate: 176.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate: 141.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate: 98.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				2	16N	20W	LAKE
2				8	17N	20W	LAKE
3				16	17N	20W	LAKE
4				17	17N	20W	LAKE
5				21	17N	20W	LAKE
6				22	17N	20W	LAKE
7				27	17N	20W	LAKE
8				34	17N	20W	LAKE
9				35	17N	20W	LAKE

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE
WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF
MONTANA, AND THE UNITED STATES OF AMERICA,

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

SEE 30052789 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052790 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 1,075.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN JOCKO
RIVER, BELOW THE LOWER JOCKO J CANAL FIIP DIVERSION (SENW SEC 31
T18N R20W) (LAT 47° 16' 45.01" N LONG 114° 11' 35.74" W).

Maximum Volume:

Source Name: JOCKO RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENW	31	18N	20W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	133.00 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	127.00 CFS
MARCH 1 TO MARCH 31	Flow Rate:	141.00 CFS
APRIL 1 TO APRIL 30	Flow Rate:	321.00 CFS
MAY 1 TO MAY 31	Flow Rate:	778.00 CFS
JUNE 1 TO JUNE 30	Flow Rate:	1,075.00 CFS
JULY 1 TO JULY 31	Flow Rate:	395.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	190.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	232.00 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	241.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	191.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	136.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				5	17N	20W	LAKE
2				8	17N	20W	LAKE
3				31	18N	20W	LAKE
4				31	18N	20W	SANDERS
5				32	18N	20W	LAKE
6				17	18N	21W	SANDERS
7				20	18N	21W	SANDERS
8				21	18N	21W	SANDERS
9				22	18N	21W	SANDERS
10				25	18N	21W	SANDERS
11				26	18N	21W	SANDERS
12				27	18N	21W	SANDERS
13				36	18N	21W	SANDERS

Remarks:

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA,

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

SEE 30052790 MAP EXHIBIT(S) 1.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052791 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 106.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN REVAIS
CREEK, BELOW THE REVAIS R CANAL FIIP DIVERSION (SESW SEC 15 T18N
R22W) (LAT 47° 18' 45.97" N LONG 114° 23' 2.42" W).

Maximum Volume:

Source Name: REVAIS CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESW	15	18N	22W	SANDERS

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	8.00 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	10.00 CFS
MARCH 1 TO MARCH 31	Flow Rate:	12.00 CFS
APRIL 1 TO APRIL 30	Flow Rate:	38.00 CFS
MAY 1 TO MAY 31	Flow Rate:	97.00 CFS
JUNE 1 TO JUNE 30	Flow Rate:	106.00 CFS
JULY 1 TO JULY 31	Flow Rate:	12.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	3.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	3.00 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	6.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	6.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	5.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				10	18N	22W	SANDERS
2				15	18N	22W	SANDERS
3				22	18N	22W	SANDERS

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE
WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF
MONTANA, AND THE UNITED STATES OF AMERICA,

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052791 MAP EXHIBIT(S) 1.

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052792 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 200.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
MISSION CREEK, BELOW THE PABLO FEEDER CANAL FIIP DIVERSION (SWSE
SEC 16 T18N R19W) (LAT 47° 18' 45.90" N LONG 114° 1' 17.60" W).

Maximum Volume:

Source Name: MISSION CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSE	16	18N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	24.00 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	15.00 CFS
MARCH 1 TO MARCH 31	Flow Rate:	15.00 CFS
APRIL 1 TO APRIL 30	Flow Rate:	22.00 CFS
MAY 1 TO MAY 31	Flow Rate:	101.00 CFS
JUNE 1 TO JUNE 30	Flow Rate:	200.00 CFS
JULY 1 TO JULY 31	Flow Rate:	191.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	136.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	138.00 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	119.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	48.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	24.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				16	18N	19W	LAKE
2				19	18N	19W	LAKE
3				20	18N	19W	LAKE
4				21	18N	19W	LAKE
5				24	18N	20W	LAKE

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE
WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF
MONTANA, AND THE UNITED STATES OF AMERICA,

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052792 MAP EXHIBIT(S) 1.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052793 COMPACT

Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners:

USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 269.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN POST
CREEK, BELOW THE PABLO FEEDER CANAL FIIP DIVERSION (SENE SEC 4 T19N
R19W) (LAT 47° 26' 7.38" N LONG 114° 0' 53.08" W).

Maximum Volume:

Source Name: POST CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENE	4	19N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31

Flow Rate: 35.00 CFS

FEBRUARY 1 TO FEBRUARY 28

Flow Rate: 23.00 CFS

MARCH 1 TO MARCH 31

Flow Rate: 33.00 CFS

APRIL 1 TO APRIL 30

Flow Rate: 48.00 CFS

MAY 1 TO MAY 31

Flow Rate: 96.00 CFS

JUNE 1 TO JUNE 30

Flow Rate: 160.00 CFS

JULY 1 TO JULY 31

Flow Rate: 269.00 CFS

AUGUST 1 TO AUGUST 31

Flow Rate: 155.00 CFS

SEPTEMBER 1 TO SEPTEMBER 30

Flow Rate: 106.00 CFS

OCTOBER 1 TO OCTOBER 31

Flow Rate: 46.00 CFS

NOVEMBER 1 TO NOVEMBER 30

Flow Rate: 38.00 CFS

DECEMBER 1 TO DECEMBER 31

Flow Rate: 28.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				3	19N	19W	LAKE
2				4	19N	19W	LAKE
3				10	19N	19W	LAKE

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE
WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF
MONTANA, AND THE UNITED STATES OF AMERICA,

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052793 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601
GENERAL ABSTRACT

Water Right Number: 76L 30052794 COMPACT

Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners:

USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 24.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN MIDDLE
CROW CREEK, BELOW THE PABLO FEEDER CANAL FIIP DIVERSION (NENW SEC
33 T21N R19W) (LAT 47° 32' 32.73" N LONG 114° 2' 23.75" W).

Maximum Volume:

Source Name: MIDDLE CROW CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENW	33	21N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate: 3.00 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate: 2.00 CFS
MARCH 1 TO MARCH 31	Flow Rate: 3.00 CFS
APRIL 1 TO APRIL 30	Flow Rate: 4.00 CFS
MAY 1 TO MAY 31	Flow Rate: 13.00 CFS
JUNE 1 TO JUNE 30	Flow Rate: 24.00 CFS
JULY 1 TO JULY 31	Flow Rate: 15.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate: 2.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate: 2.00 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate: 2.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate: 3.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate: 3.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				5	20N	19W	LAKE
2				6	20N	19W	LAKE
3				7	20N	19W	LAKE
4				27	21N	19W	LAKE
5				28	21N	19W	LAKE
6				33	21N	19W	LAKE

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE
WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF
MONTANA, AND THE UNITED STATES OF AMERICA,

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052794 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052795 COMPACT

Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners:

USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 125.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN NORTH
CROW CREEK, BELOW THE PABLO FEEDER CANAL FIIP DIVERSION (NWNW
SEC 28 T21N R19W) (LAT 47° 33' 29.07" N LONG 114° 2' 50.14" W).

Maximum Volume:

Source Name: NORTH CROW CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNW	28	21N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	17.00 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	14.00 CFS
MARCH 1 TO MARCH 31	Flow Rate:	16.00 CFS
APRIL 1 TO APRIL 30	Flow Rate:	23.00 CFS
MAY 1 TO MAY 31	Flow Rate:	67.00 CFS
JUNE 1 TO JUNE 30	Flow Rate:	125.00 CFS
JULY 1 TO JULY 31	Flow Rate:	78.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	20.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	15.00 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	10.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	20.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	16.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				6	20N	19W	LAKE
2				7	20N	19W	LAKE
3				18	20N	19W	LAKE
4				21	21N	19W	LAKE
5				28	21N	19W	LAKE
6				29	21N	19W	LAKE
7				32	21N	19W	LAKE

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE
WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF
MONTANA, AND THE UNITED STATES OF AMERICA,

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

SEE 30052795 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052796 COMPACT

Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners:

USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date:

TIME IMMEMORIAL

Purpose (use):

FISH AND WILDLIFE

Maximum Flow Rate:

174.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
MISSION CREEK, BELOW THE MISSION 6C CANAL FIIP DIVERSION (SESE SEC 4
T18N R20W) (LAT 47° 20' 33.36" N LONG 114° 8' 39.18" W).

Maximum Volume:

Source Name:

MISSION CREEK

Source Type:

SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESE	4	18N	20W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31

Flow Rate: 22.00 CFS

FEBRUARY 1 TO FEBRUARY 28

Flow Rate: 18.00 CFS

MARCH 1 TO MARCH 31

Flow Rate: 22.00 CFS

APRIL 1 TO APRIL 30

Flow Rate: 24.00 CFS

MAY 1 TO MAY 31

Flow Rate: 85.00 CFS

JUNE 1 TO JUNE 30

Flow Rate: 174.00 CFS

JULY 1 TO JULY 31

Flow Rate: 130.00 CFS

AUGUST 1 TO AUGUST 31

Flow Rate: 70.00 CFS

SEPTEMBER 1 TO SEPTEMBER 30

Flow Rate: 119.00 CFS

OCTOBER 1 TO OCTOBER 31

Flow Rate: 92.00 CFS

NOVEMBER 1 TO NOVEMBER 30

Flow Rate: 55.00 CFS

DECEMBER 1 TO DECEMBER 31

Flow Rate: 26.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use:

JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				4	18N	20W	LAKE
2				5	18N	20W	LAKE
3				9	18N	20W	LAKE
4				10	18N	20W	LAKE
5				13	18N	20W	LAKE
6				14	18N	20W	LAKE
7				15	18N	20W	LAKE
8				24	18N	20W	LAKE
9				32	19N	20W	LAKE
10				33	19N	20W	LAKE

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE
WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF
MONTANA, AND THE UNITED STATES OF AMERICA,

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

SEE 30052796 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052797 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 178.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN POST
CREEK, BELOW THE POST F CANAL FIIP DIVERSION (SWSW SEC 18 T19N
R19W) (LAT 47° 24' 49.89" N LONG 114° 4' 31.55" W).

Maximum Volume:

Source Name: POST CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		SWSW	18	19N	19W	LAKE	
Period of Diversion:							Flow Rate:
JANUARY 1 TO JANUARY 31							38.00 CFS
FEBRUARY 1 TO FEBRUARY 28							Flow Rate: 26.00 CFS
MARCH 1 TO MARCH 31							Flow Rate: 22.00 CFS
APRIL 1 TO APRIL 30							Flow Rate: 30.00 CFS
MAY 1 TO MAY 31							Flow Rate: 88.00 CFS
JUNE 1 TO JUNE 30							Flow Rate: 178.00 CFS
JULY 1 TO JULY 31							Flow Rate: 178.00 CFS
AUGUST 1 TO AUGUST 31							Flow Rate: 75.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30							Flow Rate: 70.00 CFS
OCTOBER 1 TO OCTOBER 31							Flow Rate: 53.00 CFS
NOVEMBER 1 TO NOVEMBER 30							Flow Rate: 43.00 CFS
DECEMBER 1 TO DECEMBER 31							Flow Rate: 30.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				4	19N	19W	LAKE
2				5	19N	19W	LAKE
3				6	19N	19W	LAKE
4				7	19N	19W	LAKE
5				18	19N	19W	LAKE
6				13	19N	20W	LAKE
7				24	19N	20W	LAKE

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE
WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF
MONTANA, AND THE UNITED STATES OF AMERICA,

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

SEE 30052797 MAP EXHIBIT(S) 1.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052798 COMPACT

Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners:

USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date:

TIME IMMEMORIAL

Purpose (use):

FISH AND WILDLIFE

Maximum Flow Rate:

6.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN MARSH
CREEK, BELOW THE KICKING HORSE FEEDER CANAL FIIP DIVERSION (NWSW
SEC 7 T19N R19W) (LAT 47° 25' 6.96" N LONG 114° 4' 14.19" W).

Maximum Volume:

Source Name:

MARSH CREEK

Source Type:

SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSW	7	19N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31

Flow Rate: 2.00 CFS

FEBRUARY 1 TO FEBRUARY 28

Flow Rate: 2.00 CFS

MARCH 1 TO MARCH 31

Flow Rate: 2.00 CFS

APRIL 1 TO APRIL 30

Flow Rate: 2.00 CFS

MAY 1 TO MAY 31

Flow Rate: 6.00 CFS

JUNE 1 TO JUNE 30

Flow Rate: 4.00 CFS

JULY 1 TO JULY 31

Flow Rate: 4.00 CFS

AUGUST 1 TO AUGUST 31

Flow Rate: 3.00 CFS

SEPTEMBER 1 TO SEPTEMBER 30

Flow Rate: 2.00 CFS

OCTOBER 1 TO OCTOBER 31

Flow Rate: 2.00 CFS

NOVEMBER 1 TO NOVEMBER 30

Flow Rate: 2.00 CFS

DECEMBER 1 TO DECEMBER 31

Flow Rate: 2.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use:

JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				6	19N	19W	LAKE
2				7	19N	19W	LAKE
3				28	20N	19W	LAKE
4				29	20N	19W	LAKE
5				31	20N	19W	LAKE
6				32	20N	19W	LAKE

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE
WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF
MONTANA, AND THE UNITED STATES OF AMERICA,

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052798 MAP EXHIBIT(S) 1.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052799 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 94.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN SOUTH
CROW CREEK, BELOW THE SOUTH CROW FEEDER CANAL FIIP DIVERSION
(NENE SEC 19 T20N R19W) (LAT 47° 29' 6.26" N LONG 114° 3' 27.91" W).

Maximum Volume:

Source Name: SOUTH CROW CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENE	19	20N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	10.00 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	8.00 CFS
MARCH 1 TO MARCH 31	Flow Rate:	9.00 CFS
APRIL 1 TO APRIL 30	Flow Rate:	24.00 CFS
MAY 1 TO MAY 31	Flow Rate:	48.00 CFS
JUNE 1 TO JUNE 30	Flow Rate:	94.00 CFS
JULY 1 TO JULY 31	Flow Rate:	60.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	16.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	12.00 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	10.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	12.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	8.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				16	20N	19W	LAKE
2				17	20N	19W	LAKE
3				18	20N	19W	LAKE
4				19	20N	19W	LAKE
5				20	20N	19W	LAKE

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE
WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF
MONTANA, AND THE UNITED STATES OF AMERICA,

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052799 MAP EXHIBIT(S) 1.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052800 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate: 157.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN CROW
CREEK, BELOW THE CROW PUMP CANAL FIIP DIVERSION (NESE SEC 16 T20N
R20W) (LAT 47° 29' 30.09" N LONG 114° 8' 27.90" W).

Maximum Volume:

Source Name: CROW CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESE	16	20N	20W	LAKE
Period of Diversion:						Flow Rate:
JANUARY 1 TO JANUARY 31						43.00 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 38.00 CFS
MARCH 1 TO MARCH 31						Flow Rate: 40.00 CFS
APRIL 1 TO APRIL 30						Flow Rate: 41.00 CFS
MAY 1 TO MAY 31						Flow Rate: 90.00 CFS
JUNE 1 TO JUNE 30						Flow Rate: 157.00 CFS
JULY 1 TO JULY 31						Flow Rate: 111.00 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 40.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 40.00 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 40.00 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 49.00 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 44.00 CFS

Diversion Means: INSTREAM
Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				18	20N	19W	LAKE
2				8	20N	20W	LAKE
3				13	20N	20W	LAKE
4				14	20N	20W	LAKE
5				15	20N	20W	LAKE
6				16	20N	20W	LAKE
7				17	20N	20W	LAKE
8				18	20N	20W	LAKE
9				22	20N	20W	LAKE
10				23	20N	20W	LAKE
11				24	20N	20W	LAKE

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE
WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF
MONTANA, AND THE UNITED STATES OF AMERICA,

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

SEE 30052800 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052801 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 50.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN MUD
CREEK, BELOW THE RONAN B CANAL FIIP DIVERSION (SWNW SEC 5 T21N
R19W) (LAT 47° 36' 42.24" N LONG 114° 3' 55.26" W).

Maximum Volume:

Source Name: MUD CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		SWNW	5	21N	19W	LAKE	
Period of Diversion:							Flow Rate:
JANUARY 1 TO JANUARY 31							5.00 CFS
FEBRUARY 1 TO FEBRUARY 28							Flow Rate: 4.00 CFS
MARCH 1 TO MARCH 31							Flow Rate: 5.00 CFS
APRIL 1 TO APRIL 30							Flow Rate: 7.00 CFS
MAY 1 TO MAY 31							Flow Rate: 25.00 CFS
JUNE 1 TO JUNE 30							Flow Rate: 50.00 CFS
JULY 1 TO JULY 31							Flow Rate: 35.00 CFS
AUGUST 1 TO AUGUST 31							Flow Rate: 4.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30							Flow Rate: 3.00 CFS
OCTOBER 1 TO OCTOBER 31							Flow Rate: 3.00 CFS
NOVEMBER 1 TO NOVEMBER 30							Flow Rate: 4.00 CFS
DECEMBER 1 TO DECEMBER 31							Flow Rate: 4.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				5	21N	19W	LAKE
2				6	21N	19W	LAKE
3				7	21N	19W	LAKE
4				8	21N	19W	LAKE
5				12	21N	20W	LAKE
6				32	22N	19W	LAKE
7				33	22N	19W	LAKE

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE
WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF
MONTANA, AND THE UNITED STATES OF AMERICA,

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052801 MAP EXHIBIT(S) 1.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052802 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 191.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN CROW
CREEK, BELOW THE MOIESE A CANAL FIIP DIVERSION (NWNW SEC 14 T20N
R21W) (LAT 47° 29' 50.68" N LONG 114° 14' 30.96" W).

Maximum Volume:

Source Name: CROW CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNW	14	20N	21W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	56.00 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	50.00 CFS
MARCH 1 TO MARCH 31	Flow Rate:	50.00 CFS
APRIL 1 TO APRIL 30	Flow Rate:	70.00 CFS
MAY 1 TO MAY 31	Flow Rate:	100.00 CFS
JUNE 1 TO JUNE 30	Flow Rate:	191.00 CFS
JULY 1 TO JULY 31	Flow Rate:	116.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	40.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	40.00 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	66.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	80.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	70.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				14	20N	21W	LAKE
2				15	20N	21W	LAKE
3				21	20N	21W	LAKE
4				22	20N	21W	LAKE
5				28	20N	21W	LAKE

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE
WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF
MONTANA, AND THE UNITED STATES OF AMERICA,

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

SEE 30052802 MAP EXHIBIT(S) 1.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052803 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 30.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
HELLROARING CREEK, BELOW THE TWIN FEEDER CANAL FIIP DIVERSION
(SESE SEC 32 T23N R19W) (LAT 47° 42' 16.31" N LONG 114° 3' 13.11" W).

Maximum Volume:

Source Name: HELLROARING CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		SESE	32	23N	19W	LAKE	
Period of Diversion:							Flow Rate:
JANUARY 1 TO JANUARY 31							8.00 CFS
FEBRUARY 1 TO FEBRUARY 28							Flow Rate: 7.00 CFS
MARCH 1 TO MARCH 31							Flow Rate: 8.00 CFS
APRIL 1 TO APRIL 30							Flow Rate: 14.00 CFS
MAY 1 TO MAY 31							Flow Rate: 25.00 CFS
JUNE 1 TO JUNE 30							Flow Rate: 30.00 CFS
JULY 1 TO JULY 31							Flow Rate: 10.00 CFS
AUGUST 1 TO AUGUST 31							Flow Rate: 9.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30							Flow Rate: 10.00 CFS
OCTOBER 1 TO OCTOBER 31							Flow Rate: 8.00 CFS
NOVEMBER 1 TO NOVEMBER 30							Flow Rate: 9.00 CFS
DECEMBER 1 TO DECEMBER 31							Flow Rate: 7.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				4	22N	19W	LAKE
2				32	23N	19W	LAKE
3				33	23N	19W	LAKE
4				34	23N	19W	LAKE

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE
WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF
MONTANA, AND THE UNITED STATES OF AMERICA,

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052805 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate: 103.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN LITTLE
BITTERROOT RIVER, BELOW THE CAMAS A CANAL FIIP DIVERSION (NWSE SEC
16 T24N R24W) (LAT 47° 50' 16.16" N LONG 114° 40' 36.23" W).

Maximum Volume:

Source Name: LITTLE BITTERROOT RIVER
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSE	16	24N	24W	SANDERS
Period of Diversion:						Flow Rate:
JANUARY 1 TO JANUARY 31						15.00 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 18.00 CFS
MARCH 1 TO MARCH 31						Flow Rate: 6.00 CFS
APRIL 1 TO APRIL 30						Flow Rate: 95.00 CFS
MAY 1 TO MAY 31						Flow Rate: 103.00 CFS
JUNE 1 TO JUNE 30						Flow Rate: 71.00 CFS
JULY 1 TO JULY 31						Flow Rate: 9.00 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 23.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 10.00 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 9.00 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 20.00 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 15.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				4	24N	24W	FLATHEAD
2				4	24N	24W	SANDERS
3				9	24N	24W	SANDERS
4				16	24N	24W	SANDERS
5				21	24N	24W	SANDERS
6				22	24N	24W	SANDERS
7				34	25N	24W	FLATHEAD

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE
WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF
MONTANA, AND THE UNITED STATES OF AMERICA,

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

SEE 30052805 MAP EXHIBIT(S) 1.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052806 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 51.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN MILL
CREEK, BELOW THE CAMAS A CANAL FIIP DIVERSION (SWNE SEC 21 T24N
R24W) (LAT 47° 49' 45.26" N LONG 114° 40' 46.84" W).

Maximum Volume:

Source Name: MILL CREEK

Source Type: SURFACE WATER

THE SOURCE IS A TRIBUTARY OF LITTLE BITTERROOT RIVER.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNE	21	24N	24W	SANDERS
Period of Diversion:						Flow Rate:
JANUARY 1 TO JANUARY 31						7.00 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 8.00 CFS
MARCH 1 TO MARCH 31						Flow Rate: 13.00 CFS
APRIL 1 TO APRIL 30						Flow Rate: 46.00 CFS
MAY 1 TO MAY 31						Flow Rate: 51.00 CFS
JUNE 1 TO JUNE 30						Flow Rate: 31.00 CFS
JULY 1 TO JULY 31						Flow Rate: 11.00 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 5.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 4.00 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 3.00 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 4.00 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 3.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				21	24N	24W	SANDERS

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE
WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF
MONTANA, AND THE UNITED STATES OF AMERICA,

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052806 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052807 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 12.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN HOT
SPRINGS CREEK, BELOW THE CAMAS C CANAL FIIP DIVERSION (SWNE SEC 4
T21N R23W) (LAT 47° 36' 38.25" N LONG 114° 33' 6.07" W).

Maximum Volume:

Source Name: HOT SPRINGS CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNE	4	21N	23W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	1.00 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	3.00 CFS
MARCH 1 TO MARCH 31	Flow Rate:	2.00 CFS
APRIL 1 TO APRIL 30	Flow Rate:	11.00 CFS
MAY 1 TO MAY 31	Flow Rate:	12.00 CFS
JUNE 1 TO JUNE 30	Flow Rate:	1.00 CFS
JULY 1 TO JULY 31	Flow Rate:	1.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	1.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	1.00 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	1.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	1.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	1.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				4	21N	23W	LAKE
2				5	21N	23W	LAKE
3				6	21N	23W	SANDERS
4				2	21N	24W	SANDERS
5				3	21N	24W	SANDERS
6				4	21N	24W	SANDERS
7				5	21N	24W	SANDERS
8				31	22N	23W	SANDERS
9				32	22N	23W	LAKE
10				32	22N	23W	SANDERS
11				35	22N	24W	SANDERS
12				36	22N	24W	SANDERS

Remarks:

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA,

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

SEE 30052807 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052808 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 198.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN LITTLE
BITTERROOT RIVER, BELOW HOT SPRINGS CREEK (SWNE SEC 4 T21N R23W)
(LAT 47° 36' 36.54" N LONG 114° 33' 4.03" W).

Maximum Volume:

Source Name: LITTLE BITTERROOT RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNE	4	21N	23W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate: 75.00 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate: 106.00 CFS
MARCH 1 TO MARCH 31	Flow Rate: 116.00 CFS
APRIL 1 TO APRIL 30	Flow Rate: 198.00 CFS
MAY 1 TO MAY 31	Flow Rate: 176.00 CFS
JUNE 1 TO JUNE 30	Flow Rate: 108.00 CFS
JULY 1 TO JULY 31	Flow Rate: 28.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate: 47.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate: 35.00 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate: 32.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate: 37.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate: 26.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				4	21N	23W	LAKE
2				6	22N	23W	SANDERS
3				7	22N	23W	SANDERS
4				17	22N	23W	LAKE
5				17	22N	23W	SANDERS
6				18	22N	23W	SANDERS
7				20	22N	23W	LAKE
8				29	22N	23W	LAKE
9				32	22N	23W	LAKE
10				33	22N	23W	LAKE
11				1	22N	24W	SANDERS
12				3	23N	24W	SANDERS
13				10	23N	24W	SANDERS
14				15	23N	24W	SANDERS
15				21	23N	24W	SANDERS
16				22	23N	24W	SANDERS
17				25	23N	24W	SANDERS
18				26	23N	24W	SANDERS

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
19				27	23N	24W	SANDERS
20				36	23N	24W	SANDERS
21				22	24N	24W	SANDERS
22				27	24N	24W	SANDERS
23				34	24N	24W	SANDERS

Remarks:

THIS WATER RIGHT SHALL BE ADMINISTERED IN ACCORDANCE WITH ARTICLE IV.C THROUGH F OF THE WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA,

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052808 MAP EXHIBIT(S) 1.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT; HOWEVER, IMPLEMENTATION OF THIS WATER RIGHT PURSUANT TO ARTICLE IV.C THROUGH F OF COMPACT MAY REQUIRE ARTIFICIAL MEANS OF DIVERSION OR CONTROL.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052818 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 403.95 GPM

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN LOLO
CREEK (SESE SEC 32 T25N R19W) (LAT 47° 52' 45.46" N LONG 114° 1' 59.16" W).
THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER RIGHT UPON
COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii OF THE
WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: LOLO CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESE	32	25N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	134.65 GPM
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	134.65 GPM
MARCH 1 TO MARCH 31	Flow Rate:	134.65 GPM
APRIL 1 TO APRIL 30	Flow Rate:	134.65 GPM
MAY 1 TO MAY 31	Flow Rate:	269.30 GPM
JUNE 1 TO JUNE 30	Flow Rate:	403.95 GPM
JULY 1 TO JULY 31	Flow Rate:	269.30 GPM
AUGUST 1 TO AUGUST 31	Flow Rate:	134.65 GPM
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	134.65 GPM
OCTOBER 1 TO OCTOBER 31	Flow Rate:	134.65 GPM
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	134.65 GPM
DECEMBER 1 TO DECEMBER 31	Flow Rate:	134.65 GPM

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				32	25N	19W	LAKE
2				33	25N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052818 MAP EXHIBIT(S) 1.

Remarks:

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052819 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate: 5.20 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
YELLOW BAY CREEK (NENE SEC 4 T24N R19W) (LAT 47° 52' 31.10" N LONG 114°
1' 39.98" W). THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER
RIGHT UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii
OF THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: YELLOW BAY CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENE	4	24N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	1.60 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	1.50 CFS
MARCH 1 TO MARCH 31	Flow Rate:	1.60 CFS
APRIL 1 TO APRIL 30	Flow Rate:	1.70 CFS
MAY 1 TO MAY 31	Flow Rate:	3.30 CFS
JUNE 1 TO JUNE 30	Flow Rate:	5.20 CFS
JULY 1 TO JULY 31	Flow Rate:	3.10 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	1.70 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	1.70 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	1.70 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	1.70 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	1.50 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				2	24N	19W	LAKE
2				3	24N	19W	LAKE
3				4	24N	19W	LAKE
4				33	25N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052819 MAP EXHIBIT(S) 1.

Remarks:

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052820 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 4.60 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN BLUE
BAY CREEK (NESE SEC 21 T24N R19W) (LAT 47° 49' 40.45" N LONG 114° 1' 39.75"
W). THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER RIGHT
UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii OF
THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: BLUE BAY CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESE	21	24N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	1.40 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	1.30 CFS
MARCH 1 TO MARCH 31	Flow Rate:	1.40 CFS
APRIL 1 TO APRIL 30	Flow Rate:	1.50 CFS
MAY 1 TO MAY 31	Flow Rate:	2.90 CFS
JUNE 1 TO JUNE 30	Flow Rate:	4.60 CFS
JULY 1 TO JULY 31	Flow Rate:	2.70 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	1.50 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	1.50 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	1.50 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	1.50 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	1.30 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				15	24N	19W	LAKE
2				21	24N	19W	LAKE
3				22	24N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052820 MAP EXHIBIT(S) 1.

Remarks:

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052821 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 1.80 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
STATION CREEK (SESW SEC 10 T23N R19W) (LAT 47° 45' 44.10" N LONG 114° 1'
8.90" W). THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER
RIGHT UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii
OF THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: STATION CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESW	10	23N	19W	LAKE

Period of Diversion:	JANUARY 1 TO JANUARY 31	Flow Rate:	0.70 CFS
	FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	0.70 CFS
	MARCH 1 TO MARCH 31	Flow Rate:	0.70 CFS
	APRIL 1 TO APRIL 30	Flow Rate:	0.80 CFS
	MAY 1 TO MAY 31	Flow Rate:	1.50 CFS
	JUNE 1 TO JUNE 30	Flow Rate:	1.80 CFS
	JULY 1 TO JULY 31	Flow Rate:	0.90 CFS
	AUGUST 1 TO AUGUST 31	Flow Rate:	0.70 CFS
	SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	0.70 CFS
	OCTOBER 1 TO OCTOBER 31	Flow Rate:	0.70 CFS
	NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	0.70 CFS
	DECEMBER 1 TO DECEMBER 31	Flow Rate:	0.70 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				10	23N	19W	LAKE
2				14	23N	19W	LAKE
3				15	23N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER
RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE
OF MONTANA, AND THE UNITED STATES OF AMERICA.

Remarks:

SEE 30052821 MAP EXHIBIT(S) 1.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052822 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 3.60 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN SKIDOO
CREEK (NENE SEC 21 T23N R19W) (LAT 47° 44' 35.42" N LONG 114° 1' 58.79" W).
THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER RIGHT UPON
COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii OF THE
WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: SKIDOO CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENE	21	23N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	1.50 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	1.50 CFS
MARCH 1 TO MARCH 31	Flow Rate:	1.50 CFS
APRIL 1 TO APRIL 30	Flow Rate:	1.60 CFS
MAY 1 TO MAY 31	Flow Rate:	3.10 CFS
JUNE 1 TO JUNE 30	Flow Rate:	3.60 CFS
JULY 1 TO JULY 31	Flow Rate:	1.70 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	1.50 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	1.50 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	1.50 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	1.50 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	1.50 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				21	23N	19W	LAKE
2				22	23N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052822 MAP EXHIBIT(S) 1.

Remarks:

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052823 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate: 314.18 GPM

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
HOLMES CREEK (NESE SEC 29 T23N R19W) (LAT 47° 43' 22.86" N LONG 114° 3'
4.78" W). THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER
RIGHT UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii
OF THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: HOLMES CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESE	29	23N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate: 134.65 GPM
FEBRUARY 1 TO FEBRUARY 28	Flow Rate: 134.65 GPM
MARCH 1 TO MARCH 31	Flow Rate: 134.65 GPM
APRIL 1 TO APRIL 30	Flow Rate: 134.65 GPM
MAY 1 TO MAY 31	Flow Rate: 269.30 GPM
JUNE 1 TO JUNE 30	Flow Rate: 314.18 GPM
JULY 1 TO JULY 31	Flow Rate: 134.65 GPM
AUGUST 1 TO AUGUST 31	Flow Rate: 134.65 GPM
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate: 134.65 GPM
OCTOBER 1 TO OCTOBER 31	Flow Rate: 134.65 GPM
NOVEMBER 1 TO NOVEMBER 30	Flow Rate: 134.65 GPM
DECEMBER 1 TO DECEMBER 31	Flow Rate: 134.65 GPM

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				21	23N	19W	LAKE
2				22	23N	19W	LAKE
3				28	23N	19W	LAKE
4				29	23N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052823 MAP EXHIBIT(S) 1.

Remarks:

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052824 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 3.50 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN MOSS
CREEK (NESW SEC 5 T22N R19W) (LAT 47° 41' 39.66" N LONG 114° 3' 53.77" W).
THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER RIGHT UPON
COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii OF THE
WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: MOSS CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESW	5	22N	19W	LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Flow Rate: 3.50 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				4	22N	19W	LAKE
2				5	22N	19W	LAKE
3				8	22N	19W	LAKE
4				9	22N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER
RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE
OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

SEE 30052824 MAP EXHIBIT(S) 1.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE
CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES
OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN
THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN
ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE
PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH
ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS
FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

Remarks:

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052825 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate: 41.50 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
DAYTON CREEK (SESE SEC 4 T24N R21W) (LAT 47° 51' 47.17" N LONG 114° 17'
18.08" W). THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER
RIGHT UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii
OF THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: DAYTON CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESE	4	24N	21W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	3.70 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	5.40 CFS
MARCH 1 TO MARCH 31	Flow Rate:	8.40 CFS
APRIL 1 TO APRIL 30	Flow Rate:	41.50 CFS
MAY 1 TO MAY 31	Flow Rate:	16.50 CFS
JUNE 1 TO JUNE 30	Flow Rate:	19.50 CFS
JULY 1 TO JULY 31	Flow Rate:	8.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	3.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	2.30 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	1.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	1.30 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	1.00 CFS

Diversion Means: INSTREAM
Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				4	24N	21W	LAKE
2				5	24N	21W	LAKE
3				9	24N	21W	LAKE
4				10	24N	21W	LAKE
5				33	25N	21W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

SEE 30052825 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052826 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 1.18 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
PROCTOR CREEK (SESE SEC 4 T24N R21W) (LAT 47° 51' 56.20" N LONG 114° 17'
15.81" W). THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER
RIGHT UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii
OF THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: PROCTOR CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESE	4	24N	21W	LAKE

Period of Diversion:	JANUARY 1 TO JANUARY 31	Flow Rate:	0.11 CFS
	FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	0.15 CFS
	MARCH 1 TO MARCH 31	Flow Rate:	0.24 CFS
	APRIL 1 TO APRIL 30	Flow Rate:	1.18 CFS
	MAY 1 TO MAY 31	Flow Rate:	0.47 CFS
	JUNE 1 TO JUNE 30	Flow Rate:	0.55 CFS
	JULY 1 TO JULY 31	Flow Rate:	0.23 CFS
	AUGUST 1 TO AUGUST 31	Flow Rate:	0.08 CFS
	SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	0.06 CFS
	OCTOBER 1 TO OCTOBER 31	Flow Rate:	0.03 CFS
	NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	0.04 CFS
	DECEMBER 1 TO DECEMBER 31	Flow Rate:	0.03 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				3	24N	21W	LAKE
2				4	24N	21W	LAKE
3				33	25N	21W	LAKE
4				34	25N	21W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052826 MAP EXHIBIT(S) 1.

Remarks:

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052827 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 12,700.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
FLATHEAD RIVER (NESE SEC 11 T22N R21W) (LAT 47° 40' 46.85" N LONG 114° 14'
41.72" W). THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER
RIGHT UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii
OF THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: FLATHEAD RIVER
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESE	11	22N	21W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate: 3,200.00 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate: 3,200.00 CFS
MARCH 1 TO MARCH 31	Flow Rate: 3,200.00 CFS
APRIL 1 TO APRIL 30	Flow Rate: 3,620.00 CFS
MAY 1 TO MAY 31	Flow Rate: 10,702.00 CFS
JUNE 1 TO JUNE 30	Flow Rate: 12,700.00 CFS
JULY 1 TO JULY 31	Flow Rate: 7,252.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate: 3,200.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate: 3,200.00 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate: 3,200.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate: 3,200.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate: 3,200.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				2	20N	22W	LAKE
2				2	20N	22W	SANDERS
3				11	20N	22W	LAKE
4				11	20N	22W	SANDERS
5				13	20N	22W	LAKE
6				13	20N	22W	SANDERS
7				14	20N	22W	LAKE
8				14	20N	22W	SANDERS
9				15	20N	22W	LAKE
10				15	20N	22W	SANDERS
11				22	20N	22W	LAKE
12				22	20N	22W	SANDERS
13				23	20N	22W	LAKE
14				23	20N	22W	SANDERS
15				6	21N	21W	LAKE
16				7	21N	21W	LAKE

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
17				7	21N	21W	SANDERS
18				8	21N	21W	LAKE
19				8	21N	21W	SANDERS
20				18	21N	21W	LAKE
21				18	21N	21W	SANDERS
22				19	21N	21W	LAKE
23				19	21N	21W	SANDERS
24				30	21N	21W	LAKE
25				30	21N	21W	SANDERS
26				1	21N	22W	LAKE
27				12	21N	22W	LAKE
28				12	21N	22W	SANDERS
29				25	21N	22W	LAKE
30				25	21N	22W	SANDERS
31				36	21N	22W	LAKE
32				36	21N	22W	SANDERS
33				10	22N	21W	LAKE
34				11	22N	21W	LAKE
35				15	22N	21W	LAKE
36				19	22N	21W	LAKE
37				20	22N	21W	LAKE
38				21	22N	21W	LAKE
39				22	22N	21W	LAKE
40				24	22N	22W	LAKE
41				25	22N	22W	LAKE
42				36	22N	22W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

SEE 30052827 MAP EXHIBIT(S) 1 THROUGH 6.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052828 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate: 33.40 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN WHITE
EARTH CREEK (NWNW SEC 36 T22N R22W) (LAT 47° 37' 49.43" N LONG 114° 22'
4.42" W). THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER
RIGHT UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii
OF THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: WHITE EARTH CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNW	36	22N	22W	LAKE
Period of Diversion:						
JANUARY 1 TO JANUARY 31						Flow Rate: 3.00 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 4.30 CFS
MARCH 1 TO MARCH 31						Flow Rate: 6.80 CFS
APRIL 1 TO APRIL 30						Flow Rate: 33.40 CFS
MAY 1 TO MAY 31						Flow Rate: 13.30 CFS
JUNE 1 TO JUNE 30						Flow Rate: 15.70 CFS
JULY 1 TO JULY 31						Flow Rate: 6.50 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 2.40 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 1.90 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 0.80 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 1.10 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 0.80 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				2	22N	22W	LAKE
2				11	22N	22W	LAKE
3				14	22N	22W	LAKE
4				23	22N	22W	LAKE
5				26	22N	22W	LAKE
6				35	22N	22W	LAKE
7				36	22N	22W	LAKE
8				29	23N	22W	LAKE
9				30	23N	22W	LAKE
10				32	23N	22W	LAKE
11				33	23N	22W	LAKE
12				34	23N	22W	LAKE
13				35	23N	22W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

SEE 30052828 MAP EXHIBIT(S) 1.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052829 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 18.90 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN RONAN
SPRING CREEK (NWSE SEC 15 T20N R20W) (LAT 47° 29' 32.45" N LONG 114° 7'
37.91" W). THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER
RIGHT UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii
OF THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: SPRING CREEK

Source Type: SURFACE WATER

ALSO KNOWN AS RONAN SPRING CREEK

THE SOURCE IS A TRIBUTARY OF CROW CREEK.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSE	15	20N	20W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	16.00 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	16.60 CFS
MARCH 1 TO MARCH 31	Flow Rate:	10.90 CFS
APRIL 1 TO APRIL 30	Flow Rate:	11.80 CFS
MAY 1 TO MAY 31	Flow Rate:	12.20 CFS
JUNE 1 TO JUNE 30	Flow Rate:	13.20 CFS
JULY 1 TO JULY 31	Flow Rate:	15.10 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	14.50 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	15.60 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	16.10 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	14.20 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	18.90 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				1	20N	20W	LAKE
2				2	20N	20W	LAKE
3				11	20N	20W	LAKE
4				14	20N	20W	LAKE
5				15	20N	20W	LAKE
6				31	21N	19W	LAKE
7				36	21N	20W	LAKE

Remarks:

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

SEE 30052829 MAP EXHIBIT(S) 1.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052830 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate: 53.60 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN MUD
CREEK (NESE SEC 27 T21N R20W) (LAT 47° 33' 3.64" N LONG 114° 8' 19.34" W).
THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER RIGHT UPON
COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii OF THE
WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: MUD CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESE	27	21N	20W	LAKE
Period of Diversion:						
	JANUARY 1 TO JANUARY 31					Flow Rate: 8.10 CFS
	FEBRUARY 1 TO FEBRUARY 28					Flow Rate: 6.30 CFS
	MARCH 1 TO MARCH 31					Flow Rate: 6.20 CFS
	APRIL 1 TO APRIL 30					Flow Rate: 8.00 CFS
	MAY 1 TO MAY 31					Flow Rate: 27.30 CFS
	JUNE 1 TO JUNE 30					Flow Rate: 53.60 CFS
	JULY 1 TO JULY 31					Flow Rate: 41.20 CFS
	AUGUST 1 TO AUGUST 31					Flow Rate: 13.50 CFS
	SEPTEMBER 1 TO SEPTEMBER 30					Flow Rate: 14.50 CFS
	OCTOBER 1 TO OCTOBER 31					Flow Rate: 14.20 CFS
	NOVEMBER 1 TO NOVEMBER 30					Flow Rate: 14.40 CFS
	DECEMBER 1 TO DECEMBER 31					Flow Rate: 11.50 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				12	21N	20W	LAKE
2				13	21N	20W	LAKE
3				14	21N	20W	LAKE
4				23	21N	20W	LAKE
5				26	21N	20W	LAKE
6				27	21N	20W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

SEE 30052830 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052831 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 1.30 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
STINGER CREEK (NWSE SEC 27 T21N R20W) (LAT 47° 33' 2.48" N LONG 114° 8'
28.35" W). THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER
RIGHT UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii
OF THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: STINGER CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSE	27	21N	20W	LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Flow Rate: 1.30 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				14	21N	20W	LAKE
2				15	21N	20W	LAKE
3				22	21N	20W	LAKE
4				27	21N	20W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052831 MAP EXHIBIT(S) 1.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE
CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES
OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN
THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN
ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE
PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH
ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS
FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

Remarks:

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052832 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 58.10 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN MUD
CREEK (NENW SEC 12 T20N R21W) (LAT 47° 30' 48.94" N LONG 114° 12' 52.59"
W). THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER RIGHT
UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii OF
THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: MUD CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENW	12	20N	21W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	14.50 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	12.70 CFS
MARCH 1 TO MARCH 31	Flow Rate:	12.50 CFS
APRIL 1 TO APRIL 30	Flow Rate:	14.10 CFS
MAY 1 TO MAY 31	Flow Rate:	33.00 CFS
JUNE 1 TO JUNE 30	Flow Rate:	58.10 CFS
JULY 1 TO JULY 31	Flow Rate:	44.40 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	17.40 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	20.10 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	21.40 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	21.40 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	18.30 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				4	20N	20W	LAKE
2				5	20N	20W	LAKE
3				6	20N	20W	LAKE
4				7	20N	20W	LAKE
5				8	20N	20W	LAKE
6				1	20N	21W	LAKE
7				12	20N	21W	LAKE
8				27	21N	20W	LAKE
9				34	21N	20W	LAKE

Remarks:

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

SEE 30052832 MAP EXHIBIT(S) 1.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052833 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 2.90 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN POISON
OAK CREEK (SWNW SEC 24 T19N R20W) (LAT 47° 23' 43.79" N LONG 114° 5'
33.90" W). THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER
RIGHT UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii
OF THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: POISON OAK CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNW	24	19N	20W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	0.80 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	0.70 CFS
MARCH 1 TO MARCH 31	Flow Rate:	0.70 CFS
APRIL 1 TO APRIL 30	Flow Rate:	0.90 CFS
MAY 1 TO MAY 31	Flow Rate:	1.50 CFS
JUNE 1 TO JUNE 30	Flow Rate:	2.90 CFS
JULY 1 TO JULY 31	Flow Rate:	2.10 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	1.20 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	0.90 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	0.90 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	0.90 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	0.90 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				24	19N	20W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052833 MAP EXHIBIT(S) 1.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER
RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE
OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

Remarks:

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052834 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 19.40 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN ASHLEY
CREEK (SWNW SEC 24 T19N R20W) (LAT 47° 23' 38.72" N LONG 114° 5' 48.20" W).
THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER RIGHT UPON
COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii OF THE
WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: ASHLEY CREEK

Source Type: SURFACE WATER

THE SOURCE IS A TRIBUTARY OF POST CREEK.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNW	24	19N	20W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	5.30 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	4.30 CFS
MARCH 1 TO MARCH 31	Flow Rate:	4.90 CFS
APRIL 1 TO APRIL 30	Flow Rate:	6.20 CFS
MAY 1 TO MAY 31	Flow Rate:	10.00 CFS
JUNE 1 TO JUNE 30	Flow Rate:	19.40 CFS
JULY 1 TO JULY 31	Flow Rate:	13.90 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	7.70 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	6.20 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	6.20 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	6.20 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	6.20 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				24	19N	20W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER
RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE
OF MONTANA, AND THE UNITED STATES OF AMERICA.

Remarks:

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052834 MAP EXHIBIT(S) 1.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052835 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 18.50 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN ASHLEY
CREEK (NWN SEC 4 T18N R19W) (LAT 47° 21' 12.33" N LONG 114° 1' 1.24" W).
THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER RIGHT UPON
COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii OF THE
WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: ASHLEY CREEK

Source Type: SURFACE WATER

THE SOURCE IS A TRIBUTARY OF POST CREEK.

Point of Diversion and Means of Diversion:

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1		NWNE	4	18N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31

Flow Rate: 5.00 CFS

FEBRUARY 1 TO FEBRUARY 28

Flow Rate: 4.40 CFS

MARCH 1 TO MARCH 31

Flow Rate: 4.70 CFS

APRIL 1 TO APRIL 30

Flow Rate: 5.90 CFS

MAY 1 TO MAY 31

Flow Rate: 9.40 CFS

JUNE 1 TO JUNE 30

Flow Rate: 18.50 CFS

JULY 1 TO JULY 31

Flow Rate: 12.90 CFS

AUGUST 1 TO AUGUST 31

Flow Rate: 7.30 CFS

SEPTEMBER 1 TO SEPTEMBER 30

Flow Rate: 5.90 CFS

OCTOBER 1 TO OCTOBER 31

Flow Rate: 5.90 CFS

NOVEMBER 1 TO NOVEMBER 30

Flow Rate: 5.90 CFS

DECEMBER 1 TO DECEMBER 31

Flow Rate: 5.90 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1				4	18N	19W	LAKE
2				33	19N	19W	LAKE
3				34	19N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER
RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE
OF MONTANA, AND THE UNITED STATES OF AMERICA.

Remarks:

SEE 30052835 MAP EXHIBIT(S) 1.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052836 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 27.50 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN THE
UNNAMED TRIBUTARY TO ASHLEY CREEK (SW SEC 3 T18N R19W) (LAT 47° 20'
38.68" N LONG 114° 0' 38.14" W). THE ADMINISTRATION POINT SHALL BE ADDED
TO THIS WATER RIGHT UPON COMPLETION OF THE PROCESS SET FORTH IN
ARTICLE III.C.1.d.iii OF THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: UNNAMED TRIBUTARY OF ASHLEY CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSW	3	18N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31

Flow Rate: 0.20 CFS

FEBRUARY 1 TO FEBRUARY 28

Flow Rate: 0.50 CFS

MARCH 1 TO MARCH 31

Flow Rate: 1.50 CFS

APRIL 1 TO APRIL 30

Flow Rate: 27.50 CFS

MAY 1 TO MAY 31

Flow Rate: 6.00 CFS

JUNE 1 TO JUNE 30

Flow Rate: 3.10 CFS

JULY 1 TO JULY 31

Flow Rate: 0.10 CFS

AUGUST 1 TO AUGUST 31

Flow Rate: 0.00 CFS

SEPTEMBER 1 TO SEPTEMBER 30

Flow Rate: 0.00 CFS

OCTOBER 1 TO OCTOBER 31

Flow Rate: 0.00 CFS

NOVEMBER 1 TO NOVEMBER 30

Flow Rate: 0.00 CFS

DECEMBER 1 TO DECEMBER 31

Flow Rate: 0.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				3	18N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET
FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND
THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE
RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE
OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP
PURPOSES.

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052836 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052837 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate: 4.70 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN MIKES
CREEK (SWSE SEC 21 T18N R19W) (LAT 47° 18' 0.89" N LONG 114° 1' 12.56" W).
THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER RIGHT UPON
COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii OF THE
WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: MIKES CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSE	21	18N	19W	LAKE

Period of Diversion:	JANUARY 1 TO JANUARY 31	Flow Rate:	1.90 CFS
	FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	1.90 CFS
	MARCH 1 TO MARCH 31	Flow Rate:	2.00 CFS
	APRIL 1 TO APRIL 30	Flow Rate:	4.20 CFS
	MAY 1 TO MAY 31	Flow Rate:	4.70 CFS
	JUNE 1 TO JUNE 30	Flow Rate:	2.90 CFS
	JULY 1 TO JULY 31	Flow Rate:	1.90 CFS
	AUGUST 1 TO AUGUST 31	Flow Rate:	1.90 CFS
	SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	1.90 CFS
	OCTOBER 1 TO OCTOBER 31	Flow Rate:	1.90 CFS
	NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	1.90 CFS
	DECEMBER 1 TO DECEMBER 31	Flow Rate:	1.60 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				21	18N	19W	LAKE
2				22	18N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052837 MAP EXHIBIT(S) 1.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052838 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 2.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN MATT
CREEK (SENW SEC 33 T19N R20W) (LAT 47° 21' 51.34" N LONG 114° 9' 1.07" W).
THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER RIGHT UPON
COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii OF THE
WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: MATT CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENW	33	19N	20W	LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Flow Rate: 2.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				3	18N	20W	LAKE
2				4	18N	20W	LAKE
3				10	18N	20W	LAKE
4				11	18N	20W	LAKE
5				33	19N	20W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052838 MAP EXHIBIT(S) 1.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET
FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND
THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE
RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE
OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP
PURPOSES.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE
CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES
OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN
THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN
ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE
PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH
ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS
FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052839 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 223.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN POST
CREEK (SENW SEC 33 T19N R20W) (LAT 47° 21' 47.56" N LONG 114° 9' 14.06" W).
THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER RIGHT UPON
COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii OF THE
WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: POST CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENW	33	19N	20W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	71.00 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	59.00 CFS
MARCH 1 TO MARCH 31	Flow Rate:	49.00 CFS
APRIL 1 TO APRIL 30	Flow Rate:	55.00 CFS
MAY 1 TO MAY 31	Flow Rate:	117.00 CFS
JUNE 1 TO JUNE 30	Flow Rate:	213.00 CFS
JULY 1 TO JULY 31	Flow Rate:	223.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	113.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	84.00 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	100.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	88.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	71.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				22	19N	20W	LAKE
2				23	19N	20W	LAKE
3				24	19N	20W	LAKE
4				26	19N	20W	LAKE
5				27	19N	20W	LAKE
6				28	19N	20W	LAKE
7				32	19N	20W	LAKE
8				33	19N	20W	LAKE
9				34	19N	20W	LAKE

Remarks:

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

SEE 30052839 MAP EXHIBIT(S) 1.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052840 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 5.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN SABINE
CREEK (SWNE SEC 15 T18N R20W) (LAT 47° 19' 19.33" N LONG 114° 7' 34.07" W).
THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER RIGHT UPON
COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii OF THE
WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: SABINE CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNE	15	18N	20W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	2.30 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	2.40 CFS
MARCH 1 TO MARCH 31	Flow Rate:	2.90 CFS
APRIL 1 TO APRIL 30	Flow Rate:	5.00 CFS
MAY 1 TO MAY 31	Flow Rate:	4.30 CFS
JUNE 1 TO JUNE 30	Flow Rate:	0.50 CFS
JULY 1 TO JULY 31	Flow Rate:	0.40 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	0.60 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	2.30 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	3.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	2.90 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	2.80 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				30	18N	19W	LAKE
2				31	18N	19W	LAKE
3				32	18N	19W	LAKE
4				14	18N	20W	LAKE
5				15	18N	20W	LAKE
6				23	18N	20W	LAKE
7				24	18N	20W	LAKE
8				25	18N	20W	LAKE

Remarks:

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

SEE 30052840 MAP EXHIBIT(S) 1.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052841 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 224.42 GPM

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN PISTOL
CREEK (SESE SEC 9 T18N R20W) (LAT 47° 19' 38.67" N LONG 114° 8' 31.05" W).
THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER RIGHT UPON
COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii OF THE
WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: PISTOL CREEK

Source Type: SURFACE WATER

THE SOURCE IS A TRIBUTARY OF SABINE CREEK.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESE	9	18N	20W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate: 134.65 GPM
FEBRUARY 1 TO FEBRUARY 28	Flow Rate: 134.65 GPM
MARCH 1 TO MARCH 31	Flow Rate: 134.65 GPM
APRIL 1 TO APRIL 30	Flow Rate: 179.53 GPM
MAY 1 TO MAY 31	Flow Rate: 224.42 GPM
JUNE 1 TO JUNE 30	Flow Rate: 179.53 GPM
JULY 1 TO JULY 31	Flow Rate: 134.65 GPM
AUGUST 1 TO AUGUST 31	Flow Rate: 134.65 GPM
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate: 134.65 GPM
OCTOBER 1 TO OCTOBER 31	Flow Rate: 134.65 GPM
NOVEMBER 1 TO NOVEMBER 30	Flow Rate: 134.65 GPM
DECEMBER 1 TO DECEMBER 31	Flow Rate: 134.65 GPM

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				2	17N	20W	LAKE
2				9	18N	20W	LAKE
3				16	18N	20W	LAKE
4				21	18N	20W	LAKE
5				22	18N	20W	LAKE
6				27	18N	20W	LAKE
7				34	18N	20W	LAKE
8				35	18N	20W	LAKE

Remarks:

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

SEE 30052841 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052842 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 14.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN SABINE
CREEK (NENE SEC 5 T18N R20W) (LAT 47° 21' 20.07" N LONG 114° 9' 48.23" W).
THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER RIGHT UPON
COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii OF THE
WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: SABINE CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENE	5	18N	20W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	11.00 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	12.00 CFS
MARCH 1 TO MARCH 31	Flow Rate:	12.00 CFS
APRIL 1 TO APRIL 30	Flow Rate:	14.00 CFS
MAY 1 TO MAY 31	Flow Rate:	12.00 CFS
JUNE 1 TO JUNE 30	Flow Rate:	8.90 CFS
JULY 1 TO JULY 31	Flow Rate:	8.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	7.90 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	11.00 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	11.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	13.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	13.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				4	18N	20W	LAKE
2				5	18N	20W	LAKE
3				9	18N	20W	LAKE
4				10	18N	20W	LAKE
5				15	18N	20W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052842 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052843 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate: 387.20 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
MISSION CREEK (NENE SEC 35 T19N R21W) (LAT 47° 22' 5.74" N LONG 114° 13'
32.05" W). THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER
RIGHT UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii
OF THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: MISSION CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENE	35	19N	21W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	116.00 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	102.40 CFS
MARCH 1 TO MARCH 31	Flow Rate:	92.20 CFS
APRIL 1 TO APRIL 30	Flow Rate:	101.20 CFS
MAY 1 TO MAY 31	Flow Rate:	214.60 CFS
JUNE 1 TO JUNE 30	Flow Rate:	387.20 CFS
JULY 1 TO JULY 31	Flow Rate:	354.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	191.70 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	222.60 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	218.50 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	175.60 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	126.90 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				4	18N	21W	LAKE
2				4	18N	21W	SANDERS
3				31	19N	20W	LAKE
4				32	19N	20W	LAKE
5				27	19N	21W	LAKE
6				28	19N	21W	LAKE
7				33	19N	21W	LAKE
8				34	19N	21W	LAKE
9				35	19N	21W	LAKE
10				36	19N	21W	LAKE

Remarks:

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052843 MAP EXHIBIT(S) 1.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052844 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 6.10 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
SULLIVAN CREEK (NENE SEC 8 T24N R23W) (LAT 47° 51' 32.78" N LONG 114° 33'
54.08" W). THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER
RIGHT UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii
OF THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: SULLIVAN CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENE	8	24N	23W	FLATHEAD

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	1.90 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	1.90 CFS
MARCH 1 TO MARCH 31	Flow Rate:	1.90 CFS
APRIL 1 TO APRIL 30	Flow Rate:	6.10 CFS
MAY 1 TO MAY 31	Flow Rate:	3.70 CFS
JUNE 1 TO JUNE 30	Flow Rate:	3.40 CFS
JULY 1 TO JULY 31	Flow Rate:	1.90 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	1.90 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	1.90 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	1.90 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	1.90 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	1.90 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				5	24N	23W	FLATHEAD
2				8	24N	23W	FLATHEAD
3				33	25N	23W	FLATHEAD

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052844 MAP EXHIBIT(S) 1.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052845 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 15.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
SULLIVAN CREEK (NWNE SEC 36 T23N R24W) (LAT 47° 42' 52.37" N LONG 114°
36' 39.27" W). THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER
RIGHT UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii
OF THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: SULLIVAN CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNE	36	23N	24W	SANDERS

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	2.70 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	2.80 CFS
MARCH 1 TO MARCH 31	Flow Rate:	4.60 CFS
APRIL 1 TO APRIL 30	Flow Rate:	15.00 CFS
MAY 1 TO MAY 31	Flow Rate:	8.40 CFS
JUNE 1 TO JUNE 30	Flow Rate:	7.30 CFS
JULY 1 TO JULY 31	Flow Rate:	1.70 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	1.30 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	1.70 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	2.10 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	2.60 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	2.40 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				6	23N	23W	LAKE
2				7	23N	23W	LAKE
3				7	23N	23W	SANDERS
4				30	23N	23W	SANDERS
5				12	23N	24W	SANDERS
6				13	23N	24W	SANDERS
7				24	23N	24W	SANDERS
8				25	23N	24W	SANDERS
9				36	23N	24W	SANDERS
10				31	24N	23W	FLATHEAD
11				31	24N	23W	LAKE
12				24	24N	24W	SANDERS
13				25	24N	24W	SANDERS
14				36	24N	24W	FLATHEAD
15				36	24N	24W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

SEE 30052845 MAP EXHIBIT(S) 1.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052846 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 3.40 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
GARDEN CREEK (SENE SEC 21 T22N R24W) (LAT 47° 39' 12.66" N LONG 114° 40'
26.34" W). THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER
RIGHT UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii
OF THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: GARDEN CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		SENE	21	22N	24W	SANDERS	
Period of Diversion: JANUARY 1 TO JANUARY 31							Flow Rate: 0.00 CFS
FEBRUARY 1 TO FEBRUARY 28							Flow Rate: 1.00 CFS
MARCH 1 TO MARCH 31							Flow Rate: 0.80 CFS
APRIL 1 TO APRIL 30							Flow Rate: 3.40 CFS
MAY 1 TO MAY 31							Flow Rate: 2.30 CFS
JUNE 1 TO JUNE 30							Flow Rate: 1.30 CFS
JULY 1 TO JULY 31							Flow Rate: 0.00 CFS
AUGUST 1 TO AUGUST 31							Flow Rate: 0.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30							Flow Rate: 0.00 CFS
OCTOBER 1 TO OCTOBER 31							Flow Rate: 0.00 CFS
NOVEMBER 1 TO NOVEMBER 30							Flow Rate: 0.00 CFS
DECEMBER 1 TO DECEMBER 31							Flow Rate: 0.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				20	22N	24W	SANDERS
2				21	22N	24W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052846 MAP EXHIBIT(S) 1.

Remarks:

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052847 COMPACT
Version: 1 – ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 8.30 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
GARCEAU GULCH (NWNW SEC 33 T22N R23W) (LAT 47° 37' 47.01" N LONG 114°
33' 43.19" W). THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER
RIGHT UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii
OF THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: GARCEAU GULCH

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNW	33	22N	23W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	0.00 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	2.50 CFS
MARCH 1 TO MARCH 31	Flow Rate:	2.10 CFS
APRIL 1 TO APRIL 30	Flow Rate:	8.30 CFS
MAY 1 TO MAY 31	Flow Rate:	5.60 CFS
JUNE 1 TO JUNE 30	Flow Rate:	3.30 CFS
JULY 1 TO JULY 31	Flow Rate:	0.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	0.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	0.00 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	0.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	0.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	0.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				6	22N	22W	LAKE
2				1	22N	23W	LAKE
3				11	22N	23W	LAKE
4				12	22N	23W	LAKE
5				14	22N	23W	LAKE
6				15	22N	23W	LAKE
7				21	22N	23W	LAKE
8				22	22N	23W	LAKE
9				28	22N	23W	LAKE
10				33	22N	23W	LAKE

Remarks:

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

SEE 30052847 MAP EXHIBIT(S) 1.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052848 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate: 179.53 GPM

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN WILKS
GULCH (SENW SEC 10 T21N R23W) (LAT 47° 35' 52.84" N LONG 114° 31' 53.88"
W). THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER RIGHT
UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii OF
THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: WILKS GULCH
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENW	10	21N	23W	SANDERS

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	89.77 GPM
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	89.77 GPM
MARCH 1 TO MARCH 31	Flow Rate:	89.77 GPM
APRIL 1 TO APRIL 30	Flow Rate:	134.65 GPM
MAY 1 TO MAY 31	Flow Rate:	179.53 GPM
JUNE 1 TO JUNE 30	Flow Rate:	134.65 GPM
JULY 1 TO JULY 31	Flow Rate:	89.77 GPM
AUGUST 1 TO AUGUST 31	Flow Rate:	89.77 GPM
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	44.88 GPM
OCTOBER 1 TO OCTOBER 31	Flow Rate:	44.88 GPM
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	44.88 GPM
DECEMBER 1 TO DECEMBER 31	Flow Rate:	44.88 GPM

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				9	21N	23W	SANDERS
2				10	21N	23W	SANDERS
3				16	21N	23W	SANDERS
4				17	21N	23W	SANDERS
5				19	21N	23W	SANDERS
6				20	21N	23W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052848 MAP EXHIBIT(S) 1.

PROPOSED.V1.2015

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

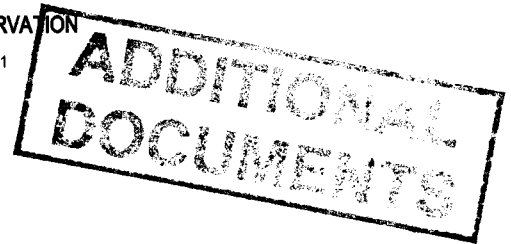
THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601
GENERAL ABSTRACT



Water Right Number: 76L 30052849 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate: 1.40 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN OLIVER
GULCH (NENE SEC 25 T21N R23W) (LAT 47° 33' 26.51" N LONG 114° 28' 44.33" W).
THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER RIGHT UPON
COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii OF THE
WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: OLIVER GULCH
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENE	25	21N	23W	SANDERS
Period of Diversion: JANUARY 1 TO JANUARY 31						Flow Rate: 0.60 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 0.80 CFS
MARCH 1 TO MARCH 31						Flow Rate: 0.60 CFS
APRIL 1 TO APRIL 30						Flow Rate: 1.20 CFS
MAY 1 TO MAY 31						Flow Rate: 1.40 CFS
JUNE 1 TO JUNE 30						Flow Rate: 1.10 CFS
JULY 1 TO JULY 31						Flow Rate: 0.60 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 0.60 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 0.50 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 0.50 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 0.50 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 0.50 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				5	21N	22W	LAKE
2				7	21N	22W	SANDERS
3				8	21N	22W	LAKE
4				8	21N	22W	SANDERS
5				18	21N	22W	SANDERS
6				19	21N	22W	SANDERS
7				30	21N	22W	SANDERS
8				25	21N	23W	SANDERS
9				20	22N	22W	LAKE
10				29	22N	22W	LAKE
11				32	22N	22W	LAKE

Remarks:

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

SEE 30052849 MAP EXHIBIT(S) 1.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052850 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 2.40 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN BIG
GULCH (SENE SEC 1 T20N R23W) (LAT 47° 31' 28.53" N LONG 114° 27' 44.85" W).
THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER RIGHT UPON
COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii OF THE
WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: BIG GULCH

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	SENE	1	20N	23W	SANDERS	

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	0.40 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	0.50 CFS
MARCH 1 TO MARCH 31	Flow Rate:	0.60 CFS
APRIL 1 TO APRIL 30	Flow Rate:	2.00 CFS
MAY 1 TO MAY 31	Flow Rate:	2.40 CFS
JUNE 1 TO JUNE 30	Flow Rate:	1.20 CFS
JULY 1 TO JULY 31	Flow Rate:	0.60 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	0.30 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	0.20 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	0.10 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	0.20 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	0.20 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				1	20N	23W	SANDERS
2				2	20N	23W	SANDERS
3				3	20N	23W	SANDERS
4				4	20N	23W	SANDERS
5				9	20N	23W	SANDERS
6				16	20N	23W	SANDERS
7				35	21N	23W	SANDERS
8				36	21N	23W	SANDERS

Remarks:

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

SEE 30052850 MAP EXHIBIT(S) 1.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052851 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 296.23 GPM

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
WHISKEY CREEK (NWNE SEC 24 T20N R23W) (LAT 47° 29' 1.38" N LONG 114° 27'
46.87" W). THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER
RIGHT UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii
OF THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: WHISKEY CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNE	24	20N	23W	SANDERS

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	0.00 GPM
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	89.77 GPM
MARCH 1 TO MARCH 31	Flow Rate:	76.30 GPM
APRIL 1 TO APRIL 30	Flow Rate:	296.23 GPM
MAY 1 TO MAY 31	Flow Rate:	201.97 GPM
JUNE 1 TO JUNE 30	Flow Rate:	116.70 GPM
JULY 1 TO JULY 31	Flow Rate:	0.00 GPM
AUGUST 1 TO AUGUST 31	Flow Rate:	0.00 GPM
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	0.00 GPM
OCTOBER 1 TO OCTOBER 31	Flow Rate:	0.00 GPM
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	0.00 GPM
DECEMBER 1 TO DECEMBER 31	Flow Rate:	0.00 GPM

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				22	20N	23W	SANDERS
2				23	20N	23W	SANDERS
3				24	20N	23W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

SEE 30052851 MAP EXHIBIT(S) 1.

Remarks:

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052852 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 202.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN LITTLE
BITTERROOT RIVER (SESE SEC 13 T20N R22W) (LAT 47° 29' 18.74" N LONG 114°
20' 3.00" W). THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER
RIGHT UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii
OF THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: LITTLE BITTERROOT RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESE	13	20N	22W	SANDERS

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	75.30 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	106.60 CFS
MARCH 1 TO MARCH 31	Flow Rate:	115.70 CFS
APRIL 1 TO APRIL 30	Flow Rate:	202.00 CFS
MAY 1 TO MAY 31	Flow Rate:	179.10 CFS
JUNE 1 TO JUNE 30	Flow Rate:	110.10 CFS
JULY 1 TO JULY 31	Flow Rate:	28.40 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	48.80 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	38.50 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	38.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	38.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	26.80 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				18	20N	21W	SANDERS
2				6	20N	22W	SANDERS
3				7	20N	22W	SANDERS
4				13	20N	22W	LAKE
5				13	20N	22W	SANDERS
6				19	20N	22W	SANDERS
7				23	20N	22W	SANDERS
8				24	20N	22W	SANDERS
9				26	20N	22W	SANDERS
10				27	20N	22W	SANDERS
11				28	20N	22W	SANDERS
12				29	20N	22W	SANDERS
13				30	20N	22W	SANDERS
14				32	20N	22W	SANDERS
15				33	20N	22W	SANDERS
16				1	20N	23W	SANDERS

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
17				12	20N	23W	SANDERS
18				13	20N	23W	SANDERS
19				24	20N	23W	SANDERS
20				25	20N	23W	SANDERS
21				27	20N	23W	SANDERS
22				30	21N	22W	SANDERS
23				31	21N	22W	SANDERS
24				3	21N	23W	LAKE
25				4	21N	23W	LAKE
26				10	21N	23W	LAKE
27				10	21N	23W	SANDERS
28				14	21N	23W	SANDERS
29				15	21N	23W	SANDERS
30				23	21N	23W	SANDERS
31				24	21N	23W	SANDERS
32				25	21N	23W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

SEE 30052852 MAP EXHIBIT(S) 1 THROUGH 6.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052853 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 24.80 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN CAMAS
CREEK (SESW SEC 30 T19N R23W) (LAT 47° 22' 17.38" N LONG 114° 34' 41.82" W).
THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER RIGHT UPON
COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii OF THE
WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: CAMAS CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESW	30	19N	23W	SANDERS

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	7.20 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	10.10 CFS
MARCH 1 TO MARCH 31	Flow Rate:	9.00 CFS
APRIL 1 TO APRIL 30	Flow Rate:	24.80 CFS
MAY 1 TO MAY 31	Flow Rate:	19.00 CFS
JUNE 1 TO JUNE 30	Flow Rate:	13.00 CFS
JULY 1 TO JULY 31	Flow Rate:	4.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	3.80 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	2.40 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	2.50 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	2.80 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	2.40 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				18	19N	23W	SANDERS
2				19	19N	23W	SANDERS
3				30	19N	23W	SANDERS
4				2	19N	24W	SANDERS
5				11	19N	24W	SANDERS
6				12	19N	24W	SANDERS
7				13	19N	24W	SANDERS
8				18	20N	24W	SANDERS
9				19	20N	24W	SANDERS
10				20	20N	24W	SANDERS
11				21	20N	24W	SANDERS
12				27	20N	24W	SANDERS
13				28	20N	24W	SANDERS
14				34	20N	24W	SANDERS
15				35	20N	24W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

SEE 30052853 MAP EXHIBIT(S) 1 THROUGH 4.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052854 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 105.90 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN REVAIS
CREEK (SENW SEC 22 T18N R22W) (LAT 47° 18' 19.68" N LONG 114° 23' 15.98" W).
THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER RIGHT UPON
COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii OF THE
WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: REVAIS CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENW	22	18N	22W	SANDERS

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	8.30 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	9.60 CFS
MARCH 1 TO MARCH 31	Flow Rate:	12.00 CFS
APRIL 1 TO APRIL 30	Flow Rate:	38.20 CFS
MAY 1 TO MAY 31	Flow Rate:	97.30 CFS
JUNE 1 TO JUNE 30	Flow Rate:	105.90 CFS
JULY 1 TO JULY 31	Flow Rate:	11.80 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	3.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	3.10 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	6.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	6.30 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	5.20 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				22	18N	22W	SANDERS
2				27	18N	22W	SANDERS
3				28	18N	22W	SANDERS
4				33	18N	22W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052854 MAP EXHIBIT(S) 1.

Remarks:

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052855 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 30.80 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN MAGPIE
CREEK (SWSW SEC 12 T18N R23W) (LAT 47° 19' 46.03" N LONG 114° 28' 33.96"
W). THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER RIGHT
UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii OF
THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: MAGPIE CREEK

Source Type: SURFACE WATER

THE SOURCE IS A TRIBUTARY OF FLATHEAD RIVER.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		SWSW	12	18N	23W	SANDERS	
Period of Diversion: JANUARY 1 TO JANUARY 31							Flow Rate: 4.90 CFS
FEBRUARY 1 TO FEBRUARY 28							Flow Rate: 6.90 CFS
MARCH 1 TO MARCH 31							Flow Rate: 7.90 CFS
APRIL 1 TO APRIL 30							Flow Rate: 10.30 CFS
MAY 1 TO MAY 31							Flow Rate: 30.80 CFS
JUNE 1 TO JUNE 30							Flow Rate: 29.90 CFS
JULY 1 TO JULY 31							Flow Rate: 7.90 CFS
AUGUST 1 TO AUGUST 31							Flow Rate: 5.90 CFS
SEPTEMBER 1 TO SEPTEMBER 30							Flow Rate: 4.40 CFS
OCTOBER 1 TO OCTOBER 31							Flow Rate: 4.30 CFS
NOVEMBER 1 TO NOVEMBER 30							Flow Rate: 4.30 CFS
DECEMBER 1 TO DECEMBER 31							Flow Rate: 3.60 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				12	18N	23W	SANDERS
2				13	18N	23W	SANDERS
3				14	18N	23W	SANDERS
4				23	18N	23W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052855 MAP EXHIBIT(S) 1.

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052856 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate: 9.91 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
ANTOINE CREEK (NESW SEC 13 T15N R20W) (LAT 47° 3' 28.68" N LONG 114° 4'
27.53" W). THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER
RIGHT UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii
OF THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: ANTOINE CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESW	13	15N	20W	MISSOULA
Period of Diversion: JANUARY 1 TO JANUARY 31						
					Flow Rate:	0.72 CFS
					Flow Rate:	0.56 CFS
					Flow Rate:	0.70 CFS
					Flow Rate:	2.59 CFS
					Flow Rate:	7.74 CFS
					Flow Rate:	9.91 CFS
					Flow Rate:	3.70 CFS
					Flow Rate:	1.67 CFS
					Flow Rate:	1.07 CFS
					Flow Rate:	0.98 CFS
					Flow Rate:	0.83 CFS
					Flow Rate:	0.60 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				19	15N	19W	MISSOULA
2				13	15N	20W	MISSOULA
3				24	15N	20W	MISSOULA

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

Remarks:

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

SEE 30052856 MAP EXHIBIT(S) 1.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052857 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 403.95 GPM

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN KITTY
GIRL CREEK (NWSE SEC 12 T15N R20W) (LAT 47° 4' 16.62" N LONG 114° 3' 59.82"
W). THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER RIGHT
UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii OF
THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: KITTY GIRL CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		NWSE	12	15N	20W	MISSOULA	
Period of Diversion:							
JANUARY 1 TO JANUARY 31							Flow Rate: 89.77 GPM
FEBRUARY 1 TO FEBRUARY 28							Flow Rate: 89.77 GPM
MARCH 1 TO MARCH 31							Flow Rate: 134.65 GPM
APRIL 1 TO APRIL 30							Flow Rate: 134.65 GPM
MAY 1 TO MAY 31							Flow Rate: 403.95 GPM
JUNE 1 TO JUNE 30							Flow Rate: 403.95 GPM
JULY 1 TO JULY 31							Flow Rate: 179.53 GPM
AUGUST 1 TO AUGUST 31							Flow Rate: 134.65 GPM
SEPTEMBER 1 TO SEPTEMBER 30							Flow Rate: 134.65 GPM
OCTOBER 1 TO OCTOBER 31							Flow Rate: 134.65 GPM
NOVEMBER 1 TO NOVEMBER 30							Flow Rate: 89.77 GPM
DECEMBER 1 TO DECEMBER 31							Flow Rate: 89.77 GPM

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				10	15N	20W	MISSOULA
2				11	15N	20W	MISSOULA
3				12	15N	20W	MISSOULA

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

SEE 30052857 MAP EXHIBIT(S) 1.

Remarks:

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052858 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 46.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
AGENCY CREEK (SWNE SEC 13 T16N R20W) (LAT 47° 8' 48.66" N LONG 114° 4'
8.67" W). THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER
RIGHT UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii
OF THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: AGENCY CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNE	13	16N	20W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	5.80 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	4.20 CFS
MARCH 1 TO MARCH 31	Flow Rate:	4.20 CFS
APRIL 1 TO APRIL 30	Flow Rate:	14.00 CFS
MAY 1 TO MAY 31	Flow Rate:	41.00 CFS
JUNE 1 TO JUNE 30	Flow Rate:	46.00 CFS
JULY 1 TO JULY 31	Flow Rate:	6.60 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	6.10 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	9.00 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	14.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	11.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	7.40 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				16	16N	19W	LAKE
2				17	16N	19W	LAKE
3				18	16N	19W	LAKE
4				13	16N	20W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER
RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE
OF MONTANA, AND THE UNITED STATES OF AMERICA.

PROPOSED.V1.2015

Remarks:

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

SEE 30052858 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052859 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): FISH AND WILDLIFE
Maximum Flow Rate: 8.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN JOCKO
HATCHERY SPRING CREEK (NWSE SEC 2 T16N R20W) (LAT 47° 10' 17.67" N
LONG 114° 5' 12.90" W). THE ADMINISTRATION POINT SHALL BE ADDED TO THIS
WATER RIGHT UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE
III.C.1.d.iii OF THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: JOCKO HATCHERY SPRING CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSE	2	16N	20W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate: 2.00 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate: 2.00 CFS
MARCH 1 TO MARCH 31	Flow Rate: 1.00 CFS
APRIL 1 TO APRIL 30	Flow Rate: 1.00 CFS
MAY 1 TO MAY 31	Flow Rate: 3.00 CFS
JUNE 1 TO JUNE 30	Flow Rate: 5.00 CFS
JULY 1 TO JULY 31	Flow Rate: 8.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate: 8.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate: 6.00 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate: 5.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate: 3.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate: 2.00 CFS

Diversion Means: INSTREAM
Diversion Type: PRIMARY

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				2	16N	20W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

Remarks:

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

SEE 30052859 MAP EXHIBIT(S) 1.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052860 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 23.70 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN JOCKO
SPRING CREEK (NENE SEC 17 T17N R20W) (LAT 47° 14' 19.38" N LONG 114° 9'
56.16" W). THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER
RIGHT UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii
OF THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: JOCKO SPRING CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		NENE	17	17N	20W	LAKE	
Period of Diversion:							Flow Rate:
JANUARY 1 TO JANUARY 31							16.60 CFS
FEBRUARY 1 TO FEBRUARY 28							Flow Rate: 16.30 CFS
MARCH 1 TO MARCH 31							Flow Rate: 14.80 CFS
APRIL 1 TO APRIL 30							Flow Rate: 15.20 CFS
MAY 1 TO MAY 31							Flow Rate: 10.50 CFS
JUNE 1 TO JUNE 30							Flow Rate: 10.00 CFS
JULY 1 TO JULY 31							Flow Rate: 16.50 CFS
AUGUST 1 TO AUGUST 31							Flow Rate: 20.40 CFS
SEPTEMBER 1 TO SEPTEMBER 30							Flow Rate: 23.70 CFS
OCTOBER 1 TO OCTOBER 31							Flow Rate: 20.60 CFS
NOVEMBER 1 TO NOVEMBER 30							Flow Rate: 17.30 CFS
DECEMBER 1 TO DECEMBER 31							Flow Rate: 17.60 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				15	17N	20W	LAKE
2				16	17N	20W	LAKE
3				17	17N	20W	LAKE
4				22	17N	20W	LAKE
5				23	17N	20W	LAKE
6				26	17N	20W	LAKE
7				35	17N	20W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052860 MAP EXHIBIT(S) 1.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052861 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 22.80 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN THE
NORTH FORK OF VALLEY CREEK (SWNW SEC 24 T17N R21W) (LAT 47° 13' 5.98"
N LONG 114° 13' 20.52" W). THE ADMINISTRATION POINT SHALL BE ADDED TO
THIS WATER RIGHT UPON COMPLETION OF THE PROCESS SET FORTH IN
ARTICLE III.C.1.d.iii OF THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: VALLEY CREEK, NORTH FORK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNW	24	17N	21W	SANDERS
Period of Diversion:						Flow Rate:
JANUARY 1 TO JANUARY 31						4.20 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 4.40 CFS
MARCH 1 TO MARCH 31						Flow Rate: 4.90 CFS
APRIL 1 TO APRIL 30						Flow Rate: 14.50 CFS
MAY 1 TO MAY 31						Flow Rate: 22.80 CFS
JUNE 1 TO JUNE 30						Flow Rate: 21.20 CFS
JULY 1 TO JULY 31						Flow Rate: 10.40 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 7.50 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 6.00 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 7.20 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 5.30 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 3.70 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				15	17N	21W	SANDERS
2				22	17N	21W	SANDERS
3				23	17N	21W	SANDERS
4				24	17N	21W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF
USE CANNOT BE CHANGED.

Remarks:

SEE 30052861 MAP EXHIBIT(S) 1.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052862 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 82.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN VALLEY
CREEK (NESW SEC 8 T17N R20W) (LAT 47° 14' 38.86" N LONG 114° 10' 23.94" W).
THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER RIGHT UPON
COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii OF THE
WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: VALLEY CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESW	8	17N	20W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate: 14.20 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate: 15.40 CFS
MARCH 1 TO MARCH 31	Flow Rate: 17.30 CFS
APRIL 1 TO APRIL 30	Flow Rate: 52.00 CFS
MAY 1 TO MAY 31	Flow Rate: 82.00 CFS
JUNE 1 TO JUNE 30	Flow Rate: 79.50 CFS
JULY 1 TO JULY 31	Flow Rate: 43.10 CFS
AUGUST 1 TO AUGUST 31	Flow Rate: 31.50 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate: 22.80 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate: 22.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate: 16.10 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate: 11.40 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				8	17N	20W	LAKE
2				17	17N	20W	LAKE
3				18	17N	20W	LAKE
4				19	17N	20W	LAKE
5				19	17N	20W	SANDERS
6				13	17N	21W	SANDERS
7				24	17N	21W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

SEE 30052862 MAP EXHIBIT(S) 1.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052863 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 104.90 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN FINLEY
CREEK (SESW SEC 31 T16N R19W) (LAT 47° 5' 50.77" N LONG 114° 3' 7.89" W).
THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER RIGHT UPON
COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii OF THE
WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: FINLEY CREEK

Source Type: SURFACE WATER

THE SOURCE IS A TRIBUTARY OF JOCKO RIVER.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESW	31	16N	19W	MISSOULA

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	2.70 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	4.50 CFS
MARCH 1 TO MARCH 31	Flow Rate:	8.20 CFS
APRIL 1 TO APRIL 30	Flow Rate:	29.10 CFS
MAY 1 TO MAY 31	Flow Rate:	78.30 CFS
JUNE 1 TO JUNE 30	Flow Rate:	104.90 CFS
JULY 1 TO JULY 31	Flow Rate:	25.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	4.30 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	2.70 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	2.80 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	2.40 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	1.60 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				6	15N	19W	MISSOULA
2				7	15N	19W	MISSOULA
3				30	15N	19W	MISSOULA
4				12	15N	20W	MISSOULA
5				13	15N	20W	MISSOULA
6				24	15N	20W	MISSOULA
7				25	15N	20W	MISSOULA
8				31	16N	19W	MISSOULA

Remarks:

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

SEE 30052863 MAP EXHIBIT(S) 1.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052864 COMPACT
Version: 1 – ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 14,462.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
FLATHEAD RIVER (NESE SEC 6 T18N R24W) (LAT 47° 20' 39.79" N LONG 114° 42'
4.25" W). THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER
RIGHT UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii
OF THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: FLATHEAD RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESE	6	18N	24W	SANDERS
Period of Diversion: JANUARY 1 TO JANUARY 31						Flow Rate: 3,574.00 CFS
FEBRUARY 1 TO FEBRUARY 28						Flow Rate: 3,586.00 CFS
MARCH 1 TO MARCH 31						Flow Rate: 3,599.00 CFS
APRIL 1 TO APRIL 30						Flow Rate: 4,314.00 CFS
MAY 1 TO MAY 31						Flow Rate: 11,973.00 CFS
JUNE 1 TO JUNE 30						Flow Rate: 14,462.00 CFS
JULY 1 TO JULY 31						Flow Rate: 8,145.00 CFS
AUGUST 1 TO AUGUST 31						Flow Rate: 3,660.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30						Flow Rate: 3,733.00 CFS
OCTOBER 1 TO OCTOBER 31						Flow Rate: 3,758.00 CFS
NOVEMBER 1 TO NOVEMBER 30						Flow Rate: 3,665.00 CFS
DECEMBER 1 TO DECEMBER 31						Flow Rate: 3,546.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				4	18N	21W	LAKE
2				4	18N	21W	SANDERS
3				5	18N	21W	LAKE
4				5	18N	21W	SANDERS
5				8	18N	21W	SANDERS
6				17	18N	21W	SANDERS
7				18	18N	21W	SANDERS
8				9	18N	22W	SANDERS
9				10	18N	22W	SANDERS
10				11	18N	22W	SANDERS
11				12	18N	22W	SANDERS
12				13	18N	22W	SANDERS
13				16	18N	22W	SANDERS
14				17	18N	22W	SANDERS
15				18	18N	22W	SANDERS
16				3	18N	23W	SANDERS

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
17				4	18N	23W	SANDERS
18				10	18N	23W	SANDERS
19				11	18N	23W	SANDERS
20				12	18N	23W	SANDERS
21				13	18N	23W	SANDERS
22				2	18N	24W	SANDERS
23				3	18N	24W	SANDERS
24				4	18N	24W	SANDERS
25				5	18N	24W	SANDERS
26				6	18N	24W	SANDERS
27				9	18N	24W	SANDERS
28				10	18N	24W	SANDERS
29				30	19N	21W	LAKE
30				30	19N	21W	SANDERS
31				31	19N	21W	LAKE
32				31	19N	21W	SANDERS
33				32	19N	21W	LAKE
34				32	19N	21W	SANDERS
35				1	19N	22W	LAKE
36				1	19N	22W	SANDERS
37				12	19N	22W	LAKE
38				12	19N	22W	SANDERS
39				13	19N	22W	LAKE
40				13	19N	22W	SANDERS
41				23	19N	22W	LAKE
42				23	19N	22W	SANDERS
43				24	19N	22W	LAKE
44				24	19N	22W	SANDERS
45				25	19N	22W	LAKE
46				25	19N	22W	SANDERS
47				31	19N	23W	SANDERS
48				32	19N	23W	SANDERS
49				33	19N	23W	SANDERS
50				35	19N	24W	SANDERS
51				36	19N	24W	SANDERS
52				17	20N	21W	LAKE
53				17	20N	21W	SANDERS
54				18	20N	21W	LAKE
55				18	20N	21W	SANDERS
56				20	20N	21W	SANDERS
57				21	20N	21W	LAKE
58				21	20N	21W	SANDERS
59				28	20N	21W	LAKE
60				28	20N	21W	SANDERS
61				29	20N	21W	LAKE
62				29	20N	21W	SANDERS
63				30	20N	21W	LAKE
64				30	20N	21W	SANDERS
65				31	20N	21W	LAKE
66				31	20N	21W	SANDERS
67				13	20N	22W	LAKE
68				13	20N	22W	SANDERS
69				36	20N	22W	LAKE
70				36	20N	22W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

Remarks:

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

SEE 30052864 MAP EXHIBIT(S) 1 THROUGH 9.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052865 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 2.60 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN
COTTONWOOD CREEK (NENW SEC 4 T20N R24W) (LAT 47° 31' 35.79" N LONG
114° 39' 37.94" W). THE ADMINISTRATION POINT SHALL BE ADDED TO THIS
WATER RIGHT UPON COMPLETION OF THE PROCESS SET FORTH IN ARTICLE
III.C.1.d.iii OF THE WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: COTTONWOOD CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENW	4	20N	24W	SANDERS

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	0.00 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	0.80 CFS
MARCH 1 TO MARCH 31	Flow Rate:	0.70 CFS
APRIL 1 TO APRIL 30	Flow Rate:	2.60 CFS
MAY 1 TO MAY 31	Flow Rate:	1.80 CFS
JUNE 1 TO JUNE 30	Flow Rate:	1.00 CFS
JULY 1 TO JULY 31	Flow Rate:	0.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	0.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	0.00 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	0.00 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	0.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	0.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				4	20N	24W	SANDERS
2				28	21N	24W	SANDERS
3				33	21N	24W	SANDERS
4				34	21N	24W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052865 MAP EXHIBIT(S) 1.

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052866 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate: 30.90 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE WITHIN BIG
CREEK (NESW SEC 21 T22N R19W) (LAT 47° 39' 9.07" N LONG 114° 2' 19.11" W).
THE ADMINISTRATION POINT SHALL BE ADDED TO THIS WATER RIGHT UPON
COMPLETION OF THE PROCESS SET FORTH IN ARTICLE III.C.1.d.iii OF THE
WATER RIGHTS COMPACT.

Maximum Volume:

Source Name: BIG CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESW	21	22N	19W	LAKE

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate: 1.30 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate: 0.90 CFS
MARCH 1 TO MARCH 31	Flow Rate: 1.80 CFS
APRIL 1 TO APRIL 30	Flow Rate: 5.20 CFS
MAY 1 TO MAY 31	Flow Rate: 19.50 CFS
JUNE 1 TO JUNE 30	Flow Rate: 30.90 CFS
JULY 1 TO JULY 31	Flow Rate: 5.20 CFS
AUGUST 1 TO AUGUST 31	Flow Rate: 3.90 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate: 2.60 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate: 1.40 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate: 1.50 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate: 1.10 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE ADMINISTRATION POINT.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				21	22N	19W	LAKE
2				22	22N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE AS DETERMINED BY THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION, THAT BODY OF LAWS ENACTED BY BOTH THE STATE AND THE TRIBES TO PROVIDE FOR THE ADMINISTRATION OF SURFACE AND GROUNDWATER WITHIN THE RESERVATION AS WELL AS THOSE WATERS THAT APPERTAIN TO THE OPERATION AND MAINTENANCE OF THE FIIP THAT HAVE BEEN DIVERTED OR TRANSPORTED ONTO THE RESERVATION FOR FIIP PURPOSES.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS IS A NONCONSUMPTIVE INSTREAM FLOW WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

SEE 30052866 MAP EXHIBIT(S) 1.

PURSUANT TO ARTICLE III.C.1.D.III OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA, THE TRIBES HAVE AN INSTREAM FLOW RIGHT FOR THE STREAM REACH IDENTIFIED IN THIS ABSTRACT. THE TRIBES SHALL DEFER THE ENFORCEMENT OF THIS RIGHT UNTIL AN ENFORCEABLE FLOW SCHEDULE FOR THAT RIGHT HAS BEEN ESTABLISHED PURSUANT TO THE PROCESS SET FORTH IN THE LAW OF ADMINISTRATION FOR THE DEVELOPMENT OF SUCH ENFORCEABLE SCHEDULE, WHICH CANNOT OCCUR UNTIL AFTER THE WATER COURT HAS ISSUED ITS FINAL DECREE FOR THE BASIN IN WHICH THIS WATER RIGHT IS LOCATED.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

Appendix 13: Interim Instream Flows and Interim Reservoir Pool Elevation

This appendix specifies interim instream flows, as identified in Article III.C.1.d.iv of the Compact, which are linked in Table 1 to the specific instream flow water rights identified in Article III.C.1.d.ii that, upon their enforceability, will replace the interim instream flows. This appendix also specifies interim reservoir pool elevations, as identified in Article III.C.1.e.iv, which are linked in Table 2 to the specific Minimum Reservoir Pool Elevation water rights in Article III.C.1.e that, upon their enforceability, will replace the interim reservoir pool elevations.

Table 1: Interim Instream Flows

Gage#	Stream	Interim Location	Flow Rate	Replacement Water Right #
516900	Agency Creek	below Upper J Canal	8.0	76L 30052785
514300	Big Knife Creek	below Jocko S Canal	2.0	76L 30052783
354000	Crow Creek	below Crow Pump Plant	17.0	76L 30052800
359500	Crow Creek	below Moiese A Canal	21.0	76L 30052802
351900	Crow Creek MFK	below Pablo Feeder Canal	1.0	76L 30052794
351500	Crow Creek NFK	below Pablo Feeder Canal	10.0	76L 30052795
353000	Crow Creek SFK	below Crow Feeder Canal	9.5	76L 30052799
352200	Crow Creek SFK	below Pablo Feeder Canal	24.0	76L 30052799
517500	Finley Creek	below Jocko E Canal	7.5	76L 30052788
517800	Finley Creek	above confluence w/ Jocko River	8.5	76L 30052788
516500	Finley Creek EFK	below Jocko N Canal	8.0	76L 30052786
317000	Hot Spring Creek	at HW 28 near Hot Springs	1.0	76L 30052807
513150	Jocko River	below Upper Jocko S Canal	20.0	76L 30052789
514900	Jocko River	below Jocko K Canal	36.0	76L 30052784
518000	Jocko River	below Lower S Canal	43.0	76L 30052780
519400	Jocko River	below Lower Jocko J Canal	76.0	76L 30052790
519500	Jocko River	at Dixon Bridge	96.0	76L 30052790
510000	Jocko River MFK	below Tabor Feeder Canal	20.0	76L 30052776
513000	Jocko River NFK	below Tabor Feeder Canal	18.0	76L 30052777
313100	Little Bitterroot	below Camas A Canal	6.0	76L 30052805
487055	Marsh Creek	below Kicking Horse Feeder Canal	2.0	76L 30052798
481500	Mission Creek	below Pablo Feeder Canal	18.0	76L 30052792
483300	Mission Creek	below 6C Canal	20.0	76L 30052796
356800	Mud Creek	below Ronan B Canal	0.8	76L 30052801
487000	Post Creek	below Kicking Horse Feeder Canal	19.0	76L 30052797
483000	Mission Creek	below C Canal	20.0	76L 30052796
487600	Post Creek	below Post F Canal	22.0	76L 30052797

Table 2: Interim Reservoir Pool Elevations

Reservoir Name	Interim Reservoir Pool Elevation (feet*)	Interim Reservoir Pool Volume (acre-Feet)	Replacement Water Right #
Tabor Reservoir	see schedule below	see schedule below	76L 30052929
Mission Reservoir	3,370.0	763	76L 30052929
Kicking Horse Reservoir	3,047.0	780	76L 30052929
Ninepipe Reservoir	2,995.0	836	76L 30052929
Lower Crow Reservoir	2,825.0	803	76L 30052929
Pablo Reservoir	3,184.0	410	76L 30052929
Hubbart Reservoir	3,150.4	27	76L 30052927
Upper Dry Fork Reservoir	2,915.0	413	76L 30052927
Lower Dry Fork reservoir	2,842.0	636	76L 30052927

Tabor Reservoir: schedule for interim reservoir pool levels

Date(s)	Interim Reservoir Pool Elevation (feet*)	Interim Reservoir Pool Volume (acre-feet)	Frequency of Occurrence (years)
Up to August 1	4,006	18,162	Target for each year, required one in four years
August 1 up to August 15	3,980	12,119	Target for each year, required three in four years
August 15 up to Nov 15	3,927	2,416	Required every year

* elevations are in feet above mean sea level as determined by reference to a certain U.S. Geological Survey bench mark, elevation 2910.882 feet, stamped "2900 N", as now located and established at Somers, Flathead County, or to such other bench marks as may be established by the U.S. Geological Survey having the same datum.

Appendix 14: Interim Instream Flow Protocols

This appendix identifies the enforcement procedures that are in effect as of December 31, 2014 for the interim instream flows, measured as instantaneous streamflow, that are subject to this enforcement procedure identified in Appendix 13 to this compact.

Ensuring compliance with the interim instream flows is the responsibility of the Project Operator at the Flathead Indian Irrigation Project (FIIP). If the flow in a given stream reach drops below the magnitude established for the interim instream flow in that reach, and the natural flow is equal to or greater than the interim instream flow, the CSKT Water Management Program (WMP): a) notifies the Project Operator directly to request rectification of the interim instream flow infraction on the date of contact; and b) prepares a letter of noncompliance to the attention of the Project Operator and the Bureau of Indian Affairs, Flathead Agency Superintendent (Superintendent).

In the event that the Project Operator, through the operation of FIIP facilities, cannot comply with any given interim instream flow, the Superintendent or designee may curtail secretarial water right diversions to achieve compliance. FIIP, and if necessary, secretarial water right diversions shall continue to be curtailed until the given interim instream flow is met. If, with these two actions, the given interim instream flow still cannot be met, that instream flow level remains below the streamflow magnitude values identified in Appendix 13 until such time as naturally available water supply is sufficient to meet the given interim instream flow. The Bureau of Indian Affairs administrative appeals process is available to resolve disputes related to compliance with the interim instream flows.

Irrespective of whether a noncompliance notice is issued, if the natural flow in a given stream reach drops below the magnitude established for the interim instream flow, the WMP documents both the magnitude of the interim instream flow and the magnitude of the natural flow and delivers a letter of insufficient flow to the Project Operator and the Superintendent.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

**** THIS IS AN INTERBASIN TRANSFER ****

THIS APPROPRIATION OF WATER TAKES WATER FROM THE FLATHEAD RIVER, BELOW FLATHEAD LAKE (BASIN 76L) AND TRIBUTARIES TO THE CLARK FORK RIVER BELOW THE FLATHEAD RIVER (BASIN 76N), AND USED THE WATER IN THE FLATHEAD RIVER DRAINAGE, BELOW FLATHEAD LAKE (BASIN 76L).

Water Right Number: 76L 30052927 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: JULY 16, 1855 at 12:00 A.M.

Enforceable Priority Date: JULY 16, 1855 at 12:00 A.M.

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate:

THE MAXIMUM FLOW RATE IS SUBJECT TO ARTICLE IV.C THROUGH F OF THE
COMPACT.

Maximum Volume: 1,335.00 AC-FT

Source Name: UNNAMED TRIBUTARY OF ALDER CREEK

Source Type: SURFACE WATER

Source Name: REDMOND CREEK

Source Type: SURFACE WATER

Source Name: DRY FORK CREEK

Source Type: SURFACE WATER

Source Name: ALDER CREEK

Source Type: SURFACE WATER

Source Name: LITTLE BITTERROOT RIVER

Source Type: SURFACE WATER

Source Name: MILL CREEK

Source Type: SURFACE WATER

Source Name: BRIGGS CREEK

Source Type: SURFACE WATER

Source Name: MILL POCKET CREEK

Source Type: SURFACE WATER

MILL CREEK IS A TRIBUTARY OF LITTLE BITTERROOT RIVER.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	4		3	22N	24W	SANDERS

Period of Diversion: JANUARY 1 TO DECEMBER 31 Flow Rate: 55.00 CFS

Source Name: DRY FORK CREEK

Diversion Means: DAM

Diversion Type: PRIMARY

2		SESW	16	23N	24W	SANDERS
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: DRY FORK CREEK

Diversion Means: DAM

Diversion Type: PRIMARY

Ditch Name: DRY FORK FEEDER CANAL

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
3		NWSW	15	23N	25W	SANDERS	
Period of Diversion: JANUARY 1 TO DECEMBER 31							Flow Rate: 25.00 CFS
Source Name: UNNAMED TRIBUTARY OF ALDER CREEK							
Diversion Means: HEADGATE							
Diversion Type: PRIMARY							
Ditch Name: ALDER DITCH							
4		NWSW	15	23N	25W	SANDERS	
Period of Diversion: JANUARY 1 TO DECEMBER 31							Flow Rate: 25.00 CFS
Source Name: UNNAMED TRIBUTARY OF ALDER CREEK							
Diversion Means: DITCH							
Diversion Type: PRIMARY							
Ditch Name: ALDER DITCH							
5		NESW	16	23N	25W	SANDERS	
Period of Diversion: JANUARY 1 TO DECEMBER 31							Flow Rate: 25.00 CFS
Source Name: ALDER CREEK							
Diversion Means: DIVERSION DAM							
Diversion Type: PRIMARY							
Ditch Name: ALDER DITCH							
6		NWSE	16	24N	24W	SANDERS	
Period of Diversion: JANUARY 1 TO DECEMBER 31							Flow Rate: 89.00 CFS
Source Name: LITTLE BITTERROOT RIVER							
Diversion Means: DIVERSION DAM							
Diversion Type: PRIMARY							
Ditch Name: CAMAS A CANAL							
7		NENW	21	24N	24W	SANDERS	
Period of Diversion: JANUARY 1 TO DECEMBER 31							Flow Rate: 89.00 CFS
Source Name: MILL CREEK							
Diversion Means: HEADGATE							
Diversion Type: PRIMARY							
Ditch Name: CAMAS A CANAL							
8		NWNW	34	24N	24W	SANDERS	
Period of Diversion: JANUARY 1 TO DECEMBER 31							Flow Rate: 89.00 CFS
Source Name: MILL POCKET CREEK							
Diversion Means: HEADGATE							
Diversion Type: PRIMARY							
Ditch Name: CAMAS A CANAL							
9		SENE	18	25N	24W	SANDERS	
Period of Diversion: JANUARY 1 TO DECEMBER 31							
Source Name:							
Diversion Means: DAM							
Diversion Type: PRIMARY							
10		NESW	24	25N	25W	SANDERS	
Period of Diversion: JANUARY 1 TO DECEMBER 15							
Source Name: REDMOND CREEK							
Diversion Means: HEADGATE							
Diversion Type: PRIMARY							
Ditch Name: BRIGGS-REDMOND DITCH							
11		SESW	13	25N	25W	SANDERS	
Period of Diversion: JANUARY 1 TO DECEMBER 31							
Source Name: BRIGGS CREEK							
Diversion Means: DITCH							
Diversion Type: PRIMARY							
Ditch Name: BRIGGS-REDMOND DITCH							

ID **Govt Lot** **Qtr Sec** **Sec** **Twp** **Rge** **County**

WATER DIVERTED AT #6 (LITTLE BITTERROOT RIVER), #7 (MILL CR), AND #8 (MILL POCKET CR) IS CONVEYED THROUGH CAMAS A CANAL TO DRY FORK CREEK WHICH IS USED AS A NATURAL CARRIER TO THE PLACE OF USE AT DIVERSION #1 (LOWER DRY FORK RESERVOIR). WATER DIVERTED AT #5 (ALDER CR), #4 (ALDER CR TRIB), & #3 (ALDER CR TRIB) IS CONVEYED THROUGH ALDER DITCH TO DRY FORK CREEK WHICH IS USED AS A NATURAL CARRIER TO THE PLACE OF USE AT DIVERSIONS #2 (UPPER DRY FORK RESERVOIR) AND #1 (LOWER DRY FORK RESERVOIR). WATER IN DRY FORK CREEK IS IMPOUNDED IN THE PLACE OF USE AT DIVERSIONS #2 (UPPER DRY FORK RESERVOIR) AND #1 (LOWER DRY FORK RESERVOIR). WATER DIVERTED AT #10 (REDMOND CR) & #11 (BRIGGS CR) IS CONVEYED THROUGH BRIGGS-REDMOND DITCH TO THE PLACE OF USE AT DIVERSION #9 (HUBBART RESERVOIR). WATER IN LITTLE BITTERROOT RIVER IS IMPOUNDED AT THE PLACE OF USE AT DIVERSION #9 (HUBBART RESERVOIR).

LOWER DRY FORK RESERVOIR IS ALSO SUPPLIED BY DIVERSION(S) #3 (ALDER CR TRIB), #4 (ALDER CR TRIB), #5 (ALDER CR), #6 (CAMAS A AT LITTLE BITTERROOT R), #7 (CAMAS A AT MILL CR), AND #8 (CAMAS A AT MILL POCKET CR).

UPPER DRY FORK RESERVOIR IS ALSO SUPPLIED BY DIVERSION(S) #3 (ALDER CR TRIB), #4 (ALDER CR TRIB), AND #5 (ALDER CR).

HUBBART RESERVOIR IS ALSO SUPPLIED BY DIVERSION(S) #10 (REDMOND CR) AND 11 (BRIGGS CR).

Reservoir: ON STREAM **Reservoir Name** LOWER DRY FORK RESERVOIR

Govt Lot **Qtr Sec** **Sec** **Twp** **Rge** **County**

 4 3 22N 24W SANDERS

Diversion to Reservoir: DIVERSION # 1

Dam Height: 29.50 FEET

Surface Area: 370.00 ACRES

Current Capacity: 3,860.00 ACRE-FEET

Reservoir: ON STREAM **Reservoir Name** UPPER DRY FORK RESERVOIR

Govt Lot **Qtr Sec** **Sec** **Twp** **Rge** **County**

 SESW 16 23N 24W SANDERS

Diversion to Reservoir: DIVERSION # 2

Dam Height: 40.00 FEET

Surface Area: 320.00 ACRES

Current Capacity: 2,800.00 ACRE-FEET

Reservoir: ON STREAM **Reservoir Name** HUBBART RESERVOIR

Govt Lot **Qtr Sec** **Sec** **Twp** **Rge** **County**

 SENE 18 25N 24W FLATHEAD

Diversion to Reservoir: DIVERSION # 39

Dam Height: 130.00 FEET

Surface Area: 1,450.00 ACRES

Current Capacity: 12,000.00 ACRE-FEET

SEE THE ATTACHED RESERVOIR DIAGRAMS.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1				3	22N	24W	SANDERS
2				4	22N	24W	SANDERS
3				16	23N	24W	SANDERS
4				17	23N	24W	SANDERS
5				33	23N	24W	SANDERS
6				34	23N	24W	SANDERS
7				5	25N	24W	FLATHEAD
8				6	25N	24W	FLATHEAD
9				7	25N	24W	FLATHEAD
10				8	25N	24W	FLATHEAD
11				18	25N	24W	FLATHEAD
12				31	26N	24W	FLATHEAD
13				32	26N	24W	FLATHEAD

Remarks:

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME POINT OF DIVERSION AND RESERVOIR.

30052927 30052930

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THE MAXIMUM CONSUMPTIVE VOLUME FOR THIS WATER RIGHT SHALL BE LIMITED TO THE MAXIMUM ANNUAL VOLUME LOST TO EVAPORATION FROM THE TOTAL RESERVOIR SURFACE AREAS .

SEE 30052927 MAP EXHIBIT(S) 1 THROUGH 5.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THE MINIMUM POOL LEVEL FOR LOWER DRY FORK RESERVOIR SHALL BE MAINTAINED AT 2,842 FEET ELEVATION, EQUALING 636 ACRE-FEET OF STORAGE.

THE MINIMUM POOL LEVEL FOR UPPER DRY FORK RESERVOIR SHALL BE MAINTAINED AT 2,915 FEET ELEVATION, EQUALING 413 ACRE-FEET OF STORAGE.

THE FOLLOWING ADMINISTRATIVE AREA, AS DEFINED IN APPENDIX 3.2 TO THE COMPACT, IS PERTINENT TO THIS WATER RIGHT: LITTLE BITTERROOT RIVER, ALDER DIVERSION.

THE MINIMUM POOL LEVEL FOR HUBBART RESERVOIR SHALL BE MAINTAINED AT 27 FEET ELEVATION, EQUALING 3,150.4 ACRE-FEET OF STORAGE.

ELEVATIONS ARE IN FEET ABOVE MEAN SEA LEVEL AS DETERMINED BY REFERENCE TO A CERTAIN US GEOLOGICAL SURVEY BENCH MARK, ELEVATION 2,910.882 FEET, STAMPED "2,900 N", AS NOW LOCATED AND ESTABLISHED AT SOMERS, FLATHEAD COUNTY, OR TO SUCH OTHER BENCH MARKS AS MAY BE ESTABLISHED BY THE US GEOLOGICAL SURVEY HAVING THE SAME DATUM.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

****** THIS IS AN INTERBASIN TRANSFER ******

THIS APPROPRIATION OF WATER TAKES WATER FROM THE FLATHEAD RIVER, BELOW AND INCLUDING FLATHEAD LAKE (BASINS 76L AND 76LJ) AND FROM TRIBUTARIES TO THE BLACKFOOT RIVER (BASIN 76F) AND USES THE WATER IN THE FLATHEAD RIVER, BELOW AND INCLUDING FLATHEAD LAKE (BASINS 76L AND 76LJ).

Water Right Number: 76L 30052929 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: JULY 16, 1855 at 12:00 A.M.

Enforceable Priority Date: JULY 16, 1855 at 12:00 A.M.

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate:

THE MAXIMUM FLOW RATE IS SUBJECT TO ARTICLE IV.C THROUGH F OF THE COMPACT.

Maximum Volume: 28,248.00 AC-FT

Source Name: LOST CREEK

Source Type: SURFACE WATER

Source Name: SOUTH CROW CREEK

Source Type: SURFACE WATER

Source Name: POIRIER CREEK

Source Type: SURFACE WATER

Source Name: FLATHEAD RIVER (IMPOUNDMENTS BEHIND KERR DAM)

Source Type: SURFACE WATER

Source Name: JOCKO RIVER, NORTH FORK

Source Type: SURFACE WATER

Source Name: MIKES CREEK

Source Type: SURFACE WATER

Source Name: MOLLMAN CREEK

Source Type: SURFACE WATER

Source Name: MARSH CREEK

Source Type: SURFACE WATER

Source Name: EAGLE PASS CREEK

Source Type: SURFACE WATER

Source Name: PLACID CREEK, NORTH FORK

Source Type: SURFACE WATER

Source Name: DRY CREEK

Source Type: SURFACE WATER

Source Name: BISSON CREEK

Source Type: SURFACE WATER

Source Name: ASHLEY CREEK

Source Type: SURFACE WATER

Source Name: MISSION CREEK

Source Type: SURFACE WATER

Source Name: VALENTINE CREEK

Source Type: SURFACE WATER

Source Name: CENTIPEDE CREEK
Source Type: SURFACE WATER
Source Name: GRIZZLY CREEK
Source Type: SURFACE WATER
Source Name: POST CREEK
Source Type: SURFACE WATER
Source Name: HELLROARING CREEK
Source Type: SURFACE WATER
Source Name: MUD CREEK
Source Type: SURFACE WATER
Source Name: S-14 CREEK
Source Type: SURFACE WATER
Source Name: NORTH CROW CREEK
Source Type: SURFACE WATER
Source Name: MIDDLE CROW CREEK
Source Type: SURFACE WATER
Source Name: FLATHEAD RIVER
Source Type: SURFACE WATER
Source Name: JOCKO RIVER, MIDDLE FORK
Source Type: SURFACE WATER
Source Name: POISON OAK CREEK
Source Type: SURFACE WATER
Source Name: CROW CREEK
Source Type: SURFACE WATER
Source Name: ROCK CREEK
Source Type: SURFACE WATER
Source Name: COURVILLE CREEK
Source Type: SURFACE WATER
Source Name: FALLS CREEK
Source Type: SURFACE WATER

DRY CREEK IS A TRIBUTARY OF MISSION CREEK.

DRY CREEK, A TRIBUTARY OF ASHLEY CREEK, IS ALSO KNOWN AS NORTH DRY CREEK.

ASHLEY CREEK IS A TRIBUTARY OF POST CREEK

ASHLEY CREEK, A TRIBUTARY OF MUD CREEK, IS ALSO KNOWN AS NORTH ASHLEY CREEK.

WATER IMPOUNDED BY KERR DAM MAY BE DIVERTED PER ARTICLES #41 THROUGH #43 OF THE FERC LICENSE IN ORDER TO MEET THE MINIMUM POOL REQUIREMENTS OF PABLO RESERVOIR.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		NWSE	29	17N	16W	MISSOULA	
Period of Diversion: APRIL 15 TO SEPTEMBER 15						Flow Rate:	120.00 CFS
Source Name:		PLACID CREEK, NORTH FORK					
Diversion Means:		DIVERSION DAM					
Diversion Type:		PRIMARY					
Ditch Name:		PLACID CANAL					
2		SWSW	20	17N	17W	MISSOULA	
Period of Diversion: MARCH 1 TO OCTOBER 15						Flow Rate:	150.00 CFS
Source Name:		JOCKO RIVER, MIDDLE FORK					
Diversion Means:		DIVERSION DAM					
Diversion Type:		PRIMARY					
Ditch Name:		TABOR FEEDER CANAL					

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
3	2		6	17N	18W	LAKE	
Period of Diversion: JANUARY 1 TO DECEMBER 31							
Source Name: DRY CREEK							
Diversion Means: DAM							
Diversion Type: PRIMARY							
Ditch Name: DRY CREEK LINING							
4		SESE	15	17N	18W	LAKE	
Period of Diversion: MARCH 1 TO OCTOBER 15							
Source Name: FALLS CREEK							
Diversion Means: HEADGATE							
Diversion Type: PRIMARY							
Ditch Name: TABOR FEEDER CANAL							
5		SWSW	15	17N	18W	LAKE	
Period of Diversion: MARCH 1 TO OCTOBER 15							
Source Name: S-14 CREEK							
Diversion Means: HEADGATE							
Diversion Type: PRIMARY							
Ditch Name: TABOR FEEDER CANAL							
6		NWNW	16	17N	18W	LAKE	
Period of Diversion: MARCH 1 TO OCTOBER 15							
Source Name: GRIZZLY CREEK							
Diversion Means: DITCH							
Diversion Type: PRIMARY							
Ditch Name: TABOR FEEDER CANAL							
7		NWNE	24	17N	18W	LAKE	
Period of Diversion: MARCH 1 TO OCTOBER 15							
Source Name: JOCKO RIVER, NORTH FORK							
Diversion Means: DIVERSION DAM							
Diversion Type: PRIMARY							
Ditch Name: TABOR FEEDER CANAL							
8	2		4	18N	19W	LAKE	
Period of Diversion: JANUARY 1 TO DECEMBER 31							
Source Name: ASHLEY CREEK							
Diversion Means: HEADGATE							
Diversion Type: PRIMARY							
Ditch Name: PABLO FEEDER CANAL							
9		NWNW	10	18N	19W	LAKE	
Period of Diversion: JANUARY 1 TO DECEMBER 31							
Source Name: DRY CREEK							
Diversion Means: DITCH							
Diversion Type: PRIMARY							
Ditch Name: PABLO FEEDER CANAL							
10	4		16	18N	19W	LAKE	
Period of Diversion: JANUARY 1 TO DECEMBER 31							
Source Name: MISSION CREEK							
Diversion Means: DAM							
Diversion Type: PRIMARY							
11	4		16	18N	19W	LAKE	
Period of Diversion: JANUARY 1 TO DECEMBER 31							
Source Name: MISSION CREEK							
Diversion Means: OTHER							
Diversion Type: PRIMARY							
Ditch Name: PABLO FEEDER CANAL							

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
12		SWSE	21	18N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Flow Rate: 255.00 CFS						
Source Name: MIKES CREEK						
Diversion Means: DITCH						
Diversion Type: PRIMARY						
Ditch Name: PABLO FEEDER CANAL						
13		SWSW	28	18N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Flow Rate: 255.00 CFS						
Source Name: DRY CREEK						
Diversion Means: OTHER						
Diversion Type: PRIMARY						
Ditch Name: PABLO FEEDER CANAL						
14		SENE	4	19N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Flow Rate: 220.00 CFS						
Source Name: POST CREEK						
Diversion Means: DIVERSION DAM						
Diversion Type: PRIMARY						
Ditch Name: PABLO FEEDER CANAL						
15		SWNE	5	19N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Flow Rate: 250.00 CFS						
Source Name: POST CREEK						
Diversion Means: DIVERSION DAM						
Diversion Type: PRIMARY						
Ditch Name: KICKING HORSE FEEDER CANAL						
16	1		10	19N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Source Name: POST CREEK						
Diversion Means: DAM						
Diversion Type: PRIMARY						
17		NWSE	16	19N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Flow Rate: 300.00 CFS						
Source Name: VALENTINE CREEK						
Diversion Means: DITCH						
Diversion Type: PRIMARY						
Ditch Name: PABLO FEEDER CANAL						
18		SWNE	21	19N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Flow Rate: 300.00 CFS						
Source Name: POISON OAK CREEK						
Diversion Means: DITCH						
Diversion Type: PRIMARY						
Ditch Name: PABLO FEEDER CANAL						
19		NWSW	4	20N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Flow Rate: 270.00 CFS						
Source Name: LOST CREEK						
Diversion Means: DITCH						
Diversion Type: PRIMARY						
Ditch Name: PABLO FEEDER CANAL						
20		NESW	16	20N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Flow Rate: 270.00 CFS						
Source Name: SOUTH CROW CREEK						
Diversion Means: OTHER						
Diversion Type: PRIMARY						
Ditch Name: PABLO FEEDER CANAL						

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
21		NENE	19	20N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Flow Rate: 275.00 CFS						
Source Name: SOUTH CROW CREEK						
Diversion Means: DIVERSION DAM						
Diversion Type: PRIMARY						
Ditch Name: SOUTH CROW FEEDER CANAL						
22		NWNE	28	20N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Flow Rate: 220.00 CFS						
Source Name: MOLLMAN CREEK						
Diversion Means: DITCH						
Diversion Type: PRIMARY						
Ditch Name: PABLO FEEDER CANAL						
23		SWSE	28	20N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Flow Rate: 220.00 CFS						
Source Name: MARSH CREEK						
Diversion Means: HEADGATE						
Diversion Type: PRIMARY						
Ditch Name: PABLO FEEDER CANAL						
24		NWSE	31	20N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Flow Rate: 250.00 CFS						
Source Name: MARSH CREEK						
Diversion Means: DITCH						
Diversion Type: PRIMARY						
Ditch Name: KICKING HORSE FEEDER CANAL						
25		SESE	33	20N	19W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Flow Rate: 220.00 CFS						
Source Name: EAGLE PASS CREEK						
Diversion Means: DITCH						
Diversion Type: PRIMARY						
Ditch Name: PABLO FEEDER CANAL						
26		NESE	16	20N	20W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Flow Rate: 22.00 CFS						
Source Name: CROW CREEK						
Diversion Means: OTHER						
Diversion Type: PRIMARY						
Ditch Name: CROW PUMP CANAL						
27		NWNW	34	20N	20W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Source Name:						
Diversion Means: DAM						
Diversion Type: SECONDARY						
28			36	20N	20W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Source Name:						
Diversion Means: DAM						
Diversion Type: SECONDARY						
Ditch Name: NINEPIPE FEEDER CANAL						
29			11	20N	21W	LAKE
Period of Diversion: JANUARY 1 TO DECEMBER 31						
Source Name: CROW CREEK						
Diversion Means: DAM						
Diversion Type: PRIMARY						

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
30		NESE	20	21N	19W	LAKE	
Period of Diversion: JANUARY 1 TO DECEMBER 31							Flow Rate: 470.00 CFS
Source Name: ROCK CREEK							
Diversion Means: DITCH							
Diversion Type: PRIMARY							
Ditch Name: PABLO FEEDER CANAL							
31		NWNW	28	21N	19W	LAKE	
Period of Diversion: JANUARY 1 TO DECEMBER 31							Flow Rate: 470.00 CFS
Source Name: NORTH CROW CREEK							
Diversion Means: DIVERSION DAM							
Diversion Type: PRIMARY							
Ditch Name: PABLO FEEDER CANAL							
32		NENW	33	21N	19W	LAKE	
Period of Diversion: JANUARY 1 TO DECEMBER 31							Flow Rate: 270.00 CFS
Source Name: MIDDLE CROW CREEK							
Diversion Means: HEADGATE							
Diversion Type: PRIMARY							
Ditch Name: PABLO FEEDER CANAL							
33	4		4	22N	19W	LAKE	
Period of Diversion: APRIL 15 TO SEPTEMBER 15							Flow Rate: 15.00 CFS
Source Name: HELLROARING CREEK							
Diversion Means: HEADGATE							
Diversion Type: PRIMARY							
Ditch Name: TWIN FEEDER CANAL							
34		NWNW	9	22N	19W	LAKE	
Period of Diversion: APRIL 15 TO SEPTEMBER 15							Flow Rate: 15.00 CFS
Source Name: CENTIPEDE CREEK							
Diversion Means: DITCH							
Diversion Type: PRIMARY							
Ditch Name: TWIN FEEDER CANAL							
35		NENW	16	22N	19W	LAKE	
Period of Diversion: APRIL 15 TO SEPTEMBER 15							Flow Rate: 8.00 CFS
Source Name: BISSON CREEK							
Diversion Means: DIVERSION DAM							
Diversion Type: PRIMARY							
Ditch Name: LOWER TWIN FEEDER CANAL							
36			18	22N	19W	LAKE	
Period of Diversion: APRIL 15 TO SEPTEMBER 15							Flow Rate: 15.00 CFS
Source Name:							
Diversion Means: DAM							
Diversion Type: SECONDARY							
37		SENW	28	22N	19W	LAKE	
Period of Diversion: JANUARY 1 TO DECEMBER 31							Flow Rate: 400.00 CFS
Source Name: POIRIER CREEK							
Diversion Means: DITCH							
Diversion Type: PRIMARY							
Ditch Name: PABLO FEEDER CANAL							
38		NWSW	28	22N	19W	LAKE	
Period of Diversion: JANUARY 1 TO DECEMBER 31							Flow Rate: 400.00 CFS
Source Name: ASHLEY CREEK							
Diversion Means: DITCH							
Diversion Type: PRIMARY							
Ditch Name: PABLO FEEDER CANAL							

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
39		SESE	32	22N	19W	LAKE	
Period of Diversion: JANUARY 1 TO DECEMBER 31							Flow Rate: 470.00 CFS
Source Name: COURVILLE CREEK							
Diversion Means: DITCH							
Diversion Type: PRIMARY							
Ditch Name: PABLO FEEDER CANAL							
40		NWNW	33	22N	19W	LAKE	
Period of Diversion: JANUARY 1 TO DECEMBER 31							Flow Rate: 400.00 CFS
Source Name: MUD CREEK							
Diversion Means: OTHER							
Diversion Type: PRIMARY							
Ditch Name: PABLO FEEDER CANAL							
41	3		17	22N	20W	LAKE	
Period of Diversion: JANUARY 1 TO DECEMBER 31							Flow Rate: 210.00 CFS
Source Name: FLATHEAD RIVER							
Diversion Means: OTHER							
Diversion Type: PRIMARY							
Ditch Name: FLATHEAD PUMP CANAL							
42		SWNE	27	22N	20W	LAKE	
Period of Diversion: JANUARY 1 TO DECEMBER 31							Flow Rate: 340.00 CFS
Source Name:							
Diversion Means: DAM							
Diversion Type: SECONDARY							
43			12	22N	21W	LAKE	
Period of Diversion: JANUARY 1 TO DECEMBER 31							
Source Name: FLATHEAD RIVER (IMPOUNDMENTS BEHIND KERR DAM)							
Diversion Means: DAM							
Diversion Type: PRIMARY							
WATER DIVERTED AT #1 (NORTH FORK PLACID) IS CONVEYED THROUGH PLACID CANAL TO JOCKO RIVER, MIDDLE FORK WHICH IS USED AS A NATURAL CARRIER TO DIVERSION #2 (TABOR FEEDER). WATER DIVERTED AT #2 (MIDDLE FORK JOCKO), #7 (N FORK JOCKO), #4 (FALLS CR), #5 (S-14 CR), AND #6 (GRIZZLY CR) IS CONVEYED THROUGH TABOR FEEDER CANAL TO THE PLACE OF USE AT DIVERSION #3 (TABOR RESERVOIR) AND DRY CREEK (LINING) WHICH IS USED AS A NATURAL CARRIER TO DIVERSION #13 (PABLO FEEDER). WATER FROM DRY CREEK IS IMPOUNDED IN THE PLACE OF USE AT DIVERSION #3 (TABOR RESERVOIR). WATER DIVERTED AT #13 (DRY CR), #12 (MIKES CR), #11 (MISSION CR), #9 (N DRY CR), #8 (ASHLEY CR), #18 (POISON OAK CR), AND #17 (VALENTINE CR) IS CONVEYED THROUGH PABLO FEEDER CANAL TO DIVERSION #14 (PABLO FEEDER AT POST CR) AND POST CREEK WHICH IS USED AS A NATURAL CARRIER TO DIVERSION #15 (KICKING HORSE FEEDER).							
WATER FROM MISSION CREEK IS IMPOUNDED IN THE PLACE OF USE AT DIVERSION #10 (MISSION RESERVOIR). WATER FROM POST CREEK IS IMPOUNDED IN THE PLACE OF USE AT DIVERSION #16 (MCDONALD RESERVOIR). WATER DIVERTED AT #15 (POST CR) AND #24 (MARSH CR) IS CONVEYED THROUGH KICKING HORSE FEEDER CANAL TO THE PLACE OF USE AT DIVERSION #28 (KICKING HORSE RESERVOIR) AND THROUGH NINEPIPE FEEDER TO THE PLACE OF USE AT DIVERSION #27 (NINEPIPE RESERVOIR). WATER DIVERTED AT #14 (POST CR), #25 (EAGLE PASS CR), #23 (MARSH CR) AND #22 (MOLLMAN CR) IS CONVEYED THROUGH PABLO FEEDER CANAL TO DIVERSION #20 (PABLO FEEDER AT S CROW CR) AND TO SOUTH CROW CREEK (CROW CREEK) WHICH IS USED AS A NATURAL CARRIER TO DIVERSIONS #21 (S CROW FEEDER) AND #26 (CROW PUMP) AND THE PLACE OF USE AT DIVERSION #29 (LOWER CROW RESERVOIR).							

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WATER DIVERTED AT #21 (S CROW CR) IS CONVEYED THROUGH SOUTH CROW FEEDER CANAL TO THE PLACE OF USE AT DIVERSION #28 (KICKING HORSE RESERVOIR) AND THROUGH NINEPIPE FEEDER CANAL TO THE PLACE OF USE AT DIVERSION #27 (NINEPIPE RESERVOIR). WATER DIVERTED AT #26 (CROW CR) IS CONVEYED THROUGH CROW PUMP CANAL AND POST A CANAL TO THE PLACE OF USE AT DIVERSION #27 (NINEPIPE RESERVOIR). WATER IN CROW CREEK IS IMPOUNDED IN THE PLACE OF USE AT DIVERSION #29 (LOWER CROW RESERVOIR). WATER DIVERTED AT #20 (S CROW CR), #19 (LOST CR), #32 (MIDDLE CROW CR), #31 (N CROW CR), #30 (ROCK CR), #39 (COURVILLE CR), #40 (MUD CR), #38 (N ASHLEY CR), AND #37 (POIRIER CR) IS CONVEYED THROUGH PABLO FEEDER CANAL TO THE PLACE OF USE AT DIVERSION #42 (PABLO RESERVOIR). WATER IN FLATHEAD RIVER OR IMPOUNDED AT DIVERSION #43 (KERR DAM) IS DIVERTED AT #41 (FLATHEAD PUMPS) AND CONVEYED THROUGH FLATHEAD PUMP CANAL AND PABLO FEEDER CANAL TO THE PLACE OF USE AT DIVERSION #42 (PABLO RESERVOIR).

WATER DIVERTED AT #35 (BISSON CR) IS CONVEYED THROUGH LOWER TWIN FEEDER CANAL TO THE PLACE OF USE AT DIVERSION #36 (TURTLE RESERVOIR). WATER DIVERTED AT #33 (HELLROARING CR) AND #34 (CENTIPEDE CR) IS CONVEYED THROUGH TWIN FEEDER CANAL TO THE PLACE OF USE AT DIVERSION #36 (TURTLE RESERVOIR).

THE MEANS OF DIVERSION FOR #13, #11, #20, AND #40 IS HEADWORKS.

THE MEANS OF DIVERSION FOR #26 IS DIVERSION DAM WITH PUMPING PLANT.

THE MEANS OF DIVERSION FOR #41 IS PUMPING PLANT AND PENSTOCK.

SECONDARY POINT OF DIVERSION WATER SOURCES ARE A MIX OF RELEASES FROM THE PRIMARY POINTS OF DIVERSION.

TABOR RESERVOIR IS ALSO SUPPLIED BY DIVERSION(S) #1 (N FK PLACID CR), #2 (TABOR FEEDER AT MDL FK JOCKO R), #7 (TABOR FEEDER AT N FK JOCKO R), #4 (TABOR FEEDER AT FALLS CR), #5 (TABOR FEEDER AT S-14 CR), AND #6 (TABOR FEEDER AT GRIZZLY CR).

KICKING HORSE RESERVOIR IS ALSO SUPPLIED BY DIVERSION(S) #1 (N FK PLACID CR), #2 (TABOR FEEDER AT MDL FK JOCKO R), #7 (TABOR FEEDER AT N FK JOCKO R), #4, TABOR FEEDER AT FALLS CR), #5 (TABOR FEEDER AT S-14 CR), #6 (TABOR FEEDER AT GRIZZLY CR), #13 (PABLO FEEDER AT DRY CR), #12 (PABLO FEEDER AT MIKES CR), #11 (PABLO FEEDER AT MISSION CR), 9 (PABLO FEEDER AT N DRY CR), #8 (PABLO FEEDER AT ASHLEY CR), #18 (PABLO FEEDER AT POISON OAK CR), #17 (PABLO FEEDER AT VALENTINE CR), #15 (KICKING HORSE FEEDER AT POST CR), #25 (PABLO FEEDER AT EAGLE PASS CR), AND #24 (KICKING HORSE FEEDER AT MARSH CR).

WATER IN KICKING HORSE RESERVOIR IS IMPOUNDED AT DIVERSION #28.

NINEPIPE RESERVOIR IS ALSO SUPPLIED BY DIVERSION(S) #1 (N FK PLACID CR), #2 (TABOR FEEDER AT MDL FK JOCKO R), #7 (TABOR FEEDER AT N FK JOCKO R), #4 (TABOR FEEDER AT FALLS CR), #5 (TABOR FEEDER AT S-14 CR), #6 (TABOR FEEDER AT GRIZZLY CR), #13 (PABLO FEEDER AT DRY CR), #12 (PABLO FEEDER AT MIKES CR), #11 (PABLO FEEDER AT MISSION CR), #9 (PABLO FEEDER AT N DRY CR), #8 (PABLO FEEDER AT ASHLEY CR), #18 (PABLO FEEDER AT POISON OAK CR), #17 (PABLO FEEDER AT VALENTINE CR), #15 (KICKING HORSE FEEDER AT POST CR), #25 (PABLO FEEDER AT EAGLE PASS CR), #24 (KICKING HORSE FEEDER AT MARSH CR), AND #21 (S CROW FEEDER AT S CROW CR).

WATER IN NINEPIPE RESERVOIR IS IMPOUNDED AT DIVERSION #27.

LOWER CROW RESERVOIR IS ALSO SUPPLIED BY DIVERSION(S) #1 (N FK PLACID CR), #2 (TABOR FEEDER AT MDL FK JOCKO R), #7 (TABOR FEEDER AT N FK JOCKO R), #4 (TABOR FEEDER AT FALLS CR), #5 (TABOR FEEDER AT S-14 CR), #6 (TABOR FEEDER AT GRIZZLY CR), #13 (PABLO FEEDER AT DRY CR), #12 (PABLO FEEDER AT MIKES CR), #11 (PABLO FEEDER AT MISSION CR), #9 (PABLO FEEDER AT N DRY CR), #8 (PABLO FEEDER AT ASHLEY CR), #18 (PABLO FEEDER AT POISON OAK CR), #17 (PABLO FEEDER AT VALENTINE CR), #14 (PABLO FEEDER AT POST CR), #25 (PABLO FEEDER AT EAGLE PASS CR), #23 (PABLO FEEDER AT MARSH CR), AND #22 (PABLO FEEDER AT MOLLMAN CR).

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
PABLO RESERVOIR IS ALSO SUPPLIED BY DIVERSIONS #1 (N FK PLACID CR), #2 (TABOR FEEDER AT MDL FK JOCKO R), #7 (TABOR FEEDER AT N FK JOCKO R), #4 (TABOR FEEDER AT FALLS CR), #5 (TABOR FEEDER AT S-14 CR), #6 (TABOR FEEDER AT GRIZZLY CR), #13 (PABLO FEEDER AT DRY CR), #12 (PABLO FEEDER AT MIKES CR), #11 (PABLO FEEDER AT MISSION CR), #9 (PABLO FEEDER AT N DRY CR), #8 (PABLO FEEDER AT ASHLEY CR), #18 (PABLO FEEDER AT POISON OAK CR), #17 (PABLO FEEDER AT VALENTINE CR), #14 (PABLO FEEDER AT POST CR), #25 (PABLO FEEDER AT EAGLE PASS CR), #23 (PABLO FEEDER AT MARSH CR), #22 (PABLO FEEDER AT MOLLMAN CR), #20 (PABLO FEEDER AT S CROW CR), #19 (PABLO FEEDER AT LOST CR), #32 (PABLO FEEDER AT MDL CROW CR), #31 (PABLO FEEDER AT N CROW CR), #30 (PABLO FEEDER AT ROCK CR), #39 (PABLO FEEDER AT COURVILLE CR), #40 (PABLO FEEDER AT MUD CR), #38 (PABLO FEEDER AT N ASHLEY CR), #37 (PABLO FEEDER AT POIRIER CR), AND #43 (KERR DAM).						
WATER IN PABLO RESERVOIR IS IMPOUNDED AT DIVERSION #42.						
TURTLE RESERVOIR IS ALSO SUPPLIED BY DIVERSIONS #33 (TWIN FEEDER AT HELLROARING CR) AND #35 (LWR TWIN FEEDER AT BISSON CR).						
WATER IN TURTLE RESERVOIR IS IMPOUNDED AT DIVERSION #36.						
Reservoir:	ON STREAM	Reservoir Name TABOR (ST. MARY'S) RESERVOIR				
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	2		6	17N	18W	LAKE
Diversion to Reservoir: DIVERSION # 3						
Dam Height: 53.00 FEET						
Surface Area: 285.00 ACRES						
Current Capacity: 23,200.00 ACRE-FEET						
Reservoir:	ON STREAM	Reservoir Name MISSION RESERVOIR				
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	4		16	18N	19W	LAKE
Diversion to Reservoir: DIVERSION # 10						
Dam Height: 83.00 FEET						
Surface Area: 290.00 ACRES						
Current Capacity: 7,250.00 ACRE-FEET						
Reservoir:	ON STREAM	Reservoir Name MCDONALD RESERVOIR				
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	1		10	19N	19W	LAKE
Diversion to Reservoir: DIVERSION # 16						
Dam Height: 48.00 FEET						
Surface Area: 200.00 ACRES						
Current Capacity: 8,200.00 ACRE-FEET						
Reservoir:	OFF STREAM	Reservoir Name KICKING HORSE RESERVOIR				
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		NENE	19	20N	19W	LAKE
Diversion to Reservoir: DIVERSION # 21						
Dam Height: 29.00 FEET						
Surface Area: 800.00 ACRES						
Current Capacity: 8,400.00 ACRE-FEET						
Reservoir:	OFF STREAM	Reservoir Name NINEPIPE RESERVOIR				
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		NESE	16	20N	20W	LAKE
Diversion to Reservoir: DIVERSION # 26						
Dam Height: 38.00 FEET						
Surface Area: 1,550.00 ACRES						
Current Capacity: 15,000.00 ACRE-FEET						
Reservoir:	ON STREAM	Reservoir Name LOWER CROW RESERVOIR				
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
			11	20N	21W	LAKE
Diversion to Reservoir: DIVERSION # 29						
Dam Height: 99.00 FEET						
Surface Area: 345.00 ACRES						
Current Capacity: 1,035.00 ACRE-FEET						

Reservoir: OFF STREAM Reservoir Name TURTLE (TWIN) RESERVOIR
Govt Lot Qtr Sec Sec Twp Rge County
NWNW 9 22N 19W LAKE

Diversion to Reservoir: DIVERSION # 34

Dam Height: 20.00 FEET

Surface Area: 65.00 ACRES

Current Capacity: 1,900.00 ACRE-FEET

Reservoir: OFF STREAM Reservoir Name PABLO RESERVOIR
Govt Lot Qtr Sec Sec Twp Rge County
3 17 22N 20W LAKE

Diversion to Reservoir: DIVERSION # 41

Dam Height: 43.00 FEET

Surface Area: 205.00 ACRES

Current Capacity: 32,800.00 ACRE-FEET

SEE THE ATTACHED RESERVOIR DIAGRAMS.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				4	17N	18W	LAKE
2				5	17N	18W	LAKE
3				6	17N	18W	LAKE
4				14	18N	19W	LAKE
5				15	18N	19W	LAKE
6				16	18N	19W	LAKE
7				10	19N	19W	LAKE
8				11	19N	19W	LAKE
9				12	19N	19W	LAKE
10				1	19N	20W	LAKE
11				2	19N	20W	LAKE
12				3	19N	20W	LAKE
13				11	19N	20W	LAKE
14				19	20N	19W	LAKE
15				30	20N	19W	LAKE
16				31	20N	19W	LAKE
17				7	20N	20W	LAKE
18				18	20N	20W	LAKE
19				25	20N	20W	LAKE
20				34	20N	20W	LAKE
21				35	20N	20W	LAKE
22				36	20N	20W	LAKE
23				11	20N	21W	LAKE
24				12	20N	21W	LAKE
25				13	20N	21W	LAKE
26				18	22N	19W	LAKE
27				20	22N	20W	LAKE
28				21	22N	20W	LAKE
29				22	22N	20W	LAKE
30				26	22N	20W	LAKE
31				27	22N	20W	LAKE
32				28	22N	20W	LAKE
33				29	22N	20W	LAKE
34				32	22N	20W	LAKE
35				33	22N	20W	LAKE
36				34	22N	20W	LAKE

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME POINT OF DIVERSION.

30052929 30052931 30052932

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS SHARE THE SAME RESERVOIR.

30052929 30052932

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THE FOLLOWING ADMINISTRATIVE AREAS, AS DEFINED IN APPENDIX 3.2 TO THE COMPACT, ARE PERTINENT TO THIS WATER RIGHT: PLACID CANAL, TABOR FEEDER CANAL, PABLO FEEDER CANAL, UPPER MISSION CREEK, UPPER CROW CREEK, HELLROARING / CENTIPEDE / BISSON CREEKS, FLATHEAD RIVER PUMPING PLANT.

THE MINIMUM POOL LEVEL FOR PABLO RESERVOIR SHALL BE MAINTAINED AT 3,188 FEET ELEVATION, EQUALING 1,425 ACRE-FEET OF STORAGE.

THE MINIMUM POOL LEVEL FOR TABOR (ST. MARY'S) RESERVOIR SHALL BE MAINTAINED ACCORDING TO THE FOLLOWING SCHEDULE:
FROM NOVEMBER 15 UP TO AUGUST 1, THE MINIMUM POOL LEVEL SHALL BE MAINTAINED AT 4,006 FEET ELEVATION, EQUALING 18,162 ACRE-FEET OF STORAGE. THIS ANNUAL TARGET IS REQUIRED TO BE MET ONE YEAR OUT OF FOUR.
FROM AUGUST 1 UP TO AUGUST 15, THE MINIMUM POOL LEVEL SHALL BE MAINTAINED AT 3,980 FEET ELEVATION, EQUALING 12,119 ACRE-FEET OF STORAGE. THIS ANNUAL TARGET IS REQUIRED TO BE MET THREE YEARS OUT OF FOUR.
FROM AUGUST 15 UP TO NOVEMBER 15, THE MINIMUM POOL LEVEL SHALL BE MAINTAINED AT 3,927 FEET ELEVATION, EQUALING 2,416 ACRE-FEET OF STORAGE. THIS ANNUAL TARGET IS REQUIRED TO BE MET EVERY YEAR.

THE MINIMUM POOL LEVEL FOR MISSION RESERVOIR SHALL BE MAINTAINED AT 3,379 FEET ELEVATION, EQUALING 1,006 ACRE-FEET OF STORAGE.

THE MINIMUM POOL LEVEL FOR MCDONALD RESERVOIR SHALL BE MAINTAINED AT 3,549 FEET ELEVATION, EQUALING 385 ACRE-FEET OF STORAGE.

THE MINIMUM POOL LEVEL FOR KICKING HORSE RESERVOIR SHALL BE MAINTAINED AT 3,049 FEET ELEVATION, EQUALING 1,230 ACRE-FEET OF STORAGE.

THE MINIMUM POOL LEVEL FOR LOWER CROW RESERVOIR SHALL BE MAINTAINED AT 2,839 FEET ELEVATION, EQUALING 2,039 ACRE-FEET OF STORAGE.

THE MINIMUM POOL LEVEL FOR TURTLE (TWIN) RESERVOIR SHALL BE MAINTAINED AT 3,068 FEET ELEVATION, EQUALING 96 ACRE-FEET OF STORAGE.

THE MINIMUM POOL LEVEL FOR NINEPIPE RESERVOIR SHALL BE MAINTAINED AT 2,998 FEET ELEVATION, EQUALING 1,905 ACRE-FEET OF STORAGE.

SEE 30052929 MAP EXHIBIT(S) 1 THROUGH 19.

THE MAXIMUM CONSUMPTIVE VOLUME FOR THIS WATER RIGHT SHALL BE LIMITED TO THE MAXIMUM ANNUAL VOLUME LOST TO EVAPORATION FROM THE TOTAL RESERVOIR SURFACE AREAS.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

ELEVATIONS ARE IN FEET ABOVE MEAN SEA LEVEL AS DETERMINED BY REFERENCE TO A CERTAIN US GEOLOGICAL SURVEY BENCH MARK, ELEVATION 2,910.882 FEET, STAMPED "2,900 N", AS NOW LOCATED AND ESTABLISHED AT SOMERS, FLATHEAD COUNTY, OR TO SUCH OTHER BENCH MARKS AS MAY BE ESTABLISHED BY THE US GEOLOGICAL SURVEY HAVING THE SAME DATUM.

THIS WATER RIGHT IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052661 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): WETLAND

Maximum Flow Rate:

NO FLOW RATE IS DEFINED FOR THIS INWETLAND WATER RIGHT.

Maximum Volume:

THIS WATER RIGHT IS FOR ALL NATURALLY OCCURRING SURFACE AND
GROUNDWATER FOR THESE WETLANDS.

Maximum Acres: 274.43

Source Name: WETLAND

Source Type: ALL NATURALLY OCCURING WATER

THE SOURCE IS WETLANDS TRIBUTARY TO CAMAS CREEK.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1						SANDERS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INWETLAND

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE SAME AS THE PLACE OF USE.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				8	19N	23W	SANDERS
2				18	19N	23W	SANDERS
3				19	19N	23W	SANDERS
4				20	19N	23W	SANDERS
5				30	19N	23W	SANDERS
6				31	19N	23W	SANDERS
7				4	19N	24W	SANDERS
8				9	19N	24W	SANDERS
9				10	19N	24W	SANDERS
10				15	19N	24W	SANDERS
11				24	19N	24W	SANDERS
12				25	19N	24W	SANDERS
13				19	20N	23W	SANDERS
14				29	20N	23W	SANDERS
15				4	20N	24W	SANDERS
16				7	20N	24W	SANDERS
17				19	20N	24W	SANDERS
18				20	20N	24W	SANDERS
19				22	20N	24W	SANDERS
20				23	20N	24W	SANDERS
21				26	20N	24W	SANDERS
22				27	20N	24W	SANDERS
23				29	20N	24W	SANDERS
24				32	20N	24W	SANDERS
25				35	20N	24W	SANDERS
26				1	20N	25W	SANDERS
27				2	20N	25W	SANDERS
28				3	20N	25W	SANDERS
29				4	20N	25W	SANDERS

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
30				12	20N	25W	SANDERS
31				28	21N	24W	SANDERS
32				29	21N	24W	SANDERS
33				31	21N	24W	SANDERS
34				32	21N	24W	SANDERS
35				33	21N	24W	SANDERS
36				34	21N	24W	SANDERS
37				35	21N	25W	SANDERS
38				36	21N	25W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THIS WATER RIGHT CANNOT BE EXERCISED TO MAKE A CALL ON ANY WATER RIGHT THAT WAS IN EXISTENCE AS OF THE EFFECTIVE DATE OF THE WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA AND THE UNITED STATES OF AMERICA THAT IS OPERATING WITHIN THE LAWFUL PARAMETERS OF THAT WATER RIGHT.

THE EXERCISE OF THIS WATER RIGHT CANNOT EXTEND TO REQUIRING THE USE OF ANY OTHER WATER RIGHT SO AS TO MAKE WATER AVAILABLE TO SATISFY THIS WATER RIGHT.

THE PLACES OF USE AND POINTS OF DIVERSION FOR THIS WATER RIGHT ARE NATURAL WETLANDS WHOSE PERIMETERS ARE DEMARCATED ON THE MAP(S) ASSOCIATED WITH THIS WATER RIGHT.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE WATER SUPPLY, WETTED BOUNDARY PERIMETER, OR DURATION OF WATER INUNDATION OF THE WETLANDS.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

SEE 30052661 MAP EXHIBIT(S) 1 THROUGH 8.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052662 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): WETLAND

Maximum Flow Rate:

NO FLOW RATE IS DEFINED FOR THIS INWETLAND WATER RIGHT.

Maximum Volume:

THIS WATER RIGHT IS FOR ALL NATURALLY OCCURRING SURFACE AND
GROUNDWATER FOR THESE WETLANDS.

Maximum Acres: 1,707.04

Source Name: WETLAND

Source Type: ALL NATURALLY OCCURING WATER

THE SOURCE IS WETLANDS TRIBUTARY TO CROW CREEK.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1						LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INWETLAND

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE SAME AS THE PLACE OF USE.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				5	20N	18W	LAKE
2				6	20N	18W	LAKE
3				7	20N	18W	LAKE
4				8	20N	18W	LAKE
5				18	20N	18W	LAKE
6				1	20N	19W	LAKE
7				3	20N	19W	LAKE
8				5	20N	19W	LAKE
9				6	20N	19W	LAKE
10				7	20N	19W	LAKE
11				8	20N	19W	LAKE
12				9	20N	19W	LAKE
13				10	20N	19W	LAKE
14				11	20N	19W	LAKE
15				12	20N	19W	LAKE
16				17	20N	19W	LAKE
17				18	20N	19W	LAKE
18				19	20N	19W	LAKE
19				20	20N	19W	LAKE
20				30	20N	19W	LAKE
21				1	20N	20W	LAKE
22				2	20N	20W	LAKE
23				3	20N	20W	LAKE
24				4	20N	20W	LAKE
25				6	20N	20W	LAKE
26				7	20N	20W	LAKE
27				8	20N	20W	LAKE
28				10	20N	20W	LAKE
29				12	20N	20W	LAKE

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
30				13	20N	20W	LAKE
31				14	20N	20W	LAKE
32				15	20N	20W	LAKE
33				16	20N	20W	LAKE
34				17	20N	20W	LAKE
35				18	20N	20W	LAKE
36				24	20N	20W	LAKE
37				25	20N	20W	LAKE
38				1	20N	21W	LAKE
39				10	20N	21W	LAKE
40				11	20N	21W	LAKE
41				12	20N	21W	LAKE
42				14	20N	21W	LAKE
43				22	20N	21W	LAKE
44				28	20N	21W	LAKE
45				6	21N	18W	LAKE
46				7	21N	18W	LAKE
47				8	21N	18W	LAKE
48				17	21N	18W	LAKE
49				18	21N	18W	LAKE
50				19	21N	18W	LAKE
51				20	21N	18W	LAKE
52				29	21N	18W	LAKE
53				30	21N	18W	LAKE
54				31	21N	18W	LAKE
55				32	21N	18W	LAKE
56				1	21N	19W	LAKE
57				2	21N	19W	LAKE
58				4	21N	19W	LAKE
59				5	21N	19W	LAKE
60				6	21N	19W	LAKE
61				7	21N	19W	LAKE
62				8	21N	19W	LAKE
63				11	21N	19W	LAKE
64				12	21N	19W	LAKE
65				21	21N	19W	LAKE
66				24	21N	19W	LAKE
67				25	21N	19W	LAKE
68				28	21N	19W	LAKE
69				30	21N	19W	LAKE
70				31	21N	19W	LAKE
71				33	21N	19W	LAKE
72				36	21N	19W	LAKE
73				3	21N	20W	LAKE
74				4	21N	20W	LAKE
75				12	21N	20W	LAKE
76				13	21N	20W	LAKE
77				14	21N	20W	LAKE
78				15	21N	20W	LAKE
79				22	21N	20W	LAKE
80				23	21N	20W	LAKE
81				24	21N	20W	LAKE
82				25	21N	20W	LAKE
83				26	21N	20W	LAKE
84				28	21N	20W	LAKE
85				29	21N	20W	LAKE
86				35	21N	20W	LAKE
87				36	21N	20W	LAKE
88				25	21N	21W	LAKE
89				26	21N	21W	LAKE
90				11	22N	19W	LAKE
91				13	22N	19W	LAKE
92				20	22N	19W	LAKE
93				21	22N	19W	LAKE
94				23	22N	19W	LAKE
95				24	22N	19W	LAKE
96				25	22N	19W	LAKE
97				31	22N	19W	LAKE
98				32	22N	19W	LAKE
99				35	22N	19W	LAKE
100				36	22N	19W	LAKE
101				21	22N	20W	LAKE

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
102				22	22N	20W	LAKE
103				26	22N	20W	LAKE
104				27	22N	20W	LAKE
105				28	22N	20W	LAKE
106				29	22N	20W	LAKE
107				32	22N	20W	LAKE
108				33	22N	20W	LAKE
109				34	22N	20W	LAKE
110				35	22N	20W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THIS WATER RIGHT CANNOT BE EXERCISED TO MAKE A CALL ON ANY WATER RIGHT THAT WAS IN EXISTENCE AS OF THE EFFECTIVE DATE OF THE WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA AND THE UNITED STATES OF AMERICA THAT IS OPERATING WITHIN THE LAWFUL PARAMETERS OF THAT WATER RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE WATER SUPPLY, WETTED BOUNDARY PERIMETER, OR DURATION OF WATER INUNDATION OF THE WETLANDS.

THE PLACES OF USE AND POINTS OF DIVERSION FOR THIS WATER RIGHT ARE NATURAL WETLANDS WHOSE PERIMETERS ARE DEMARCATED ON THE MAP(S) ASSOCIATED WITH THIS WATER RIGHT.

SEE 30052662 MAP EXHIBIT(S) 1 THROUGH 16.

THE EXERCISE OF THIS WATER RIGHT CANNOT EXTEND TO REQUIRING THE USE OF ANY OTHER WATER RIGHT SO AS TO MAKE WATER AVAILABLE TO SATISFY THIS WATER RIGHT.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052663 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): WETLAND

Maximum Flow Rate: NO FLOW RATE IS DEFINED FOR THIS INWETLAND WATER RIGHT.

Maximum Volume: THIS WATER RIGHT IS FOR ALL NATURALLY OCCURRING SURFACE AND
GROUNDWATER FOR THESE WETLANDS.

Maximum Acres: 1,789.98

Source Name: WETLAND

Source Type: ALL NATURALLY OCCURING WATER

THE SOURCE IS WETLANDS TRIBUTARY TO FLATHEAD RIVER.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1						LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INWETLAND

Diversion Type: PRIMARY

2 SANDERS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INWETLAND

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE SAME AS THE PLACE OF USE.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				4	17N	22W	SANDERS
2				9	17N	22W	SANDERS
3				17	17N	22W	SANDERS
4				20	17N	22W	SANDERS
5				26	17N	22W	SANDERS
6				27	17N	22W	SANDERS
7				28	17N	22W	SANDERS
8				34	17N	22W	SANDERS
9				35	17N	22W	SANDERS
10				4	17N	23W	SANDERS
11				5	17N	23W	SANDERS
12				6	17N	23W	SANDERS
13				9	17N	23W	SANDERS
14				1	17N	24W	SANDERS
15				2	17N	24W	SANDERS
16				4	18N	21W	SANDERS
17				5	18N	21W	SANDERS
18				6	18N	21W	SANDERS
19				7	18N	21W	SANDERS
20				8	18N	21W	SANDERS
21				17	18N	21W	SANDERS
22				18	18N	21W	SANDERS
23				2	18N	22W	SANDERS
24				4	18N	22W	SANDERS

ADDITIONAL
DOCUMENTS

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
25				5	18N	22W	SANDERS
26				6	18N	22W	SANDERS
27				7	18N	22W	SANDERS
28				8	18N	22W	SANDERS
29				9	18N	22W	SANDERS
30				10	18N	22W	SANDERS
31				11	18N	22W	SANDERS
32				12	18N	22W	SANDERS
33				13	18N	22W	SANDERS
34				14	18N	22W	SANDERS
35				15	18N	22W	SANDERS
36				16	18N	22W	SANDERS
37				17	18N	22W	SANDERS
38				18	18N	22W	SANDERS
39				20	18N	22W	SANDERS
40				21	18N	22W	SANDERS
41				23	18N	22W	SANDERS
42				27	18N	22W	SANDERS
43				28	18N	22W	SANDERS
44				29	18N	22W	SANDERS
45				32	18N	22W	SANDERS
46				33	18N	22W	SANDERS
47				3	18N	23W	SANDERS
48				4	18N	23W	SANDERS
49				5	18N	23W	SANDERS
50				6	18N	23W	SANDERS
51				8	18N	23W	SANDERS
52				9	18N	23W	SANDERS
53				10	18N	23W	SANDERS
54				11	18N	23W	SANDERS
55				12	18N	23W	SANDERS
56				13	18N	23W	SANDERS
57				14	18N	23W	SANDERS
58				15	18N	23W	SANDERS
59				1	18N	24W	SANDERS
60				2	18N	24W	SANDERS
61				3	18N	24W	SANDERS
62				4	18N	24W	SANDERS
63				5	18N	24W	SANDERS
64				6	18N	24W	SANDERS
65				8	18N	24W	SANDERS
66				9	18N	24W	SANDERS
67				10	18N	24W	SANDERS
68				16	18N	24W	SANDERS
69				28	18N	24W	SANDERS
70				32	18N	24W	SANDERS
71				34	18N	24W	SANDERS
72				35	18N	24W	SANDERS
73				29	19N	21W	LAKE
74				30	19N	21W	LAKE
75				30	19N	21W	SANDERS
76				31	19N	21W	LAKE
77				31	19N	21W	SANDERS
78				32	19N	21W	LAKE
79				32	19N	21W	SANDERS
80				1	19N	22W	SANDERS
81				11	19N	22W	SANDERS
82				12	19N	22W	SANDERS
83				13	19N	22W	SANDERS
84				14	19N	22W	SANDERS
85				15	19N	22W	SANDERS
86				19	19N	22W	SANDERS
87				21	19N	22W	SANDERS
88				22	19N	22W	SANDERS
89				23	19N	22W	SANDERS
90				24	19N	22W	SANDERS
91				25	19N	22W	LAKE
92				25	19N	22W	SANDERS
93				26	19N	22W	SANDERS
94				27	19N	22W	SANDERS
95				31	19N	22W	SANDERS
96				32	19N	22W	SANDERS

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
97				34	19N	22W	SANDERS
98				35	19N	22W	SANDERS
99				36	19N	22W	SANDERS
100				10	19N	23W	SANDERS
101				13	19N	23W	SANDERS
102				14	19N	23W	SANDERS
103				15	19N	23W	SANDERS
104				23	19N	23W	SANDERS
105				24	19N	23W	SANDERS
106				26	19N	23W	SANDERS
107				27	19N	23W	SANDERS
108				31	19N	23W	SANDERS
109				32	19N	23W	SANDERS
110				33	19N	23W	SANDERS
111				34	19N	23W	SANDERS
112				35	19N	23W	SANDERS
113				25	19N	24W	SANDERS
114				26	19N	24W	SANDERS
115				32	19N	24W	SANDERS
116				33	19N	24W	SANDERS
117				35	19N	24W	SANDERS
118				36	19N	24W	SANDERS
119				17	20N	21W	LAKE
120				18	20N	21W	LAKE
121				18	20N	21W	SANDERS
122				21	20N	21W	LAKE
123				28	20N	21W	LAKE
124				29	20N	21W	LAKE
125				29	20N	21W	SANDERS
126				30	20N	21W	LAKE
127				30	20N	21W	SANDERS
128				31	20N	21W	LAKE
129				2	20N	22W	LAKE
130				11	20N	22W	LAKE
131				11	20N	22W	SANDERS
132				13	20N	22W	SANDERS
133				22	20N	22W	LAKE
134				35	20N	22W	SANDERS
135				36	20N	22W	SANDERS
136				6	21N	21W	LAKE
137				7	21N	21W	LAKE
138				7	21N	21W	SANDERS
139				8	21N	21W	LAKE
140				8	21N	21W	SANDERS
141				18	21N	21W	SANDERS
142				19	21N	21W	LAKE
143				19	21N	21W	SANDERS
144				20	21N	21W	LAKE
145				27	21N	21W	LAKE
146				28	21N	21W	LAKE
147				30	21N	21W	LAKE
148				30	21N	21W	SANDERS
149				34	21N	21W	LAKE
150				1	21N	22W	LAKE
151				10	21N	22W	SANDERS
152				22	21N	22W	SANDERS
153				23	21N	22W	SANDERS
154				26	21N	22W	SANDERS
155				27	21N	22W	SANDERS
156				4	22N	20W	LAKE
157				5	22N	20W	LAKE
158				10	22N	21W	LAKE
159				11	22N	21W	LAKE
160				12	22N	21W	LAKE
161				15	22N	21W	LAKE
162				19	22N	21W	LAKE
163				20	22N	21W	LAKE
164				21	22N	21W	LAKE
165				22	22N	21W	LAKE
166				25	22N	21W	LAKE
167				26	22N	21W	LAKE
168				28	22N	21W	LAKE

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
169				30	22N	21W	LAKE
170				24	22N	22W	LAKE
171				25	22N	22W	LAKE
172				26	22N	22W	LAKE
173				34	22N	22W	LAKE
174				36	22N	22W	LAKE
175				34	23N	21W	LAKE
176				2	23N	22W	LAKE
177				10	23N	22W	LAKE
178				15	23N	22W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THIS WATER RIGHT CANNOT BE EXERCISED TO MAKE A CALL ON ANY WATER RIGHT THAT WAS IN EXISTENCE AS OF THE EFFECTIVE DATE OF THE WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA AND THE UNITED STATES OF AMERICA THAT IS OPERATING WITHIN THE LAWFUL PARAMETERS OF THAT WATER RIGHT.

THE PLACES OF USE AND POINTS OF DIVERSION FOR THIS WATER RIGHT ARE NATURAL WETLANDS WHOSE PERIMETERS ARE DEMARCATED ON THE MAP(S) ASSOCIATED WITH THIS WATER RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

SEE 30052663 MAP EXHIBIT(S) 1 THROUGH 26.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE WATER SUPPLY, WETTED BOUNDARY PERIMETER, OR DURATION OF WATER INUNDATION OF THE WETLANDS.

THE EXERCISE OF THIS WATER RIGHT CANNOT EXTEND TO REQUIRING THE USE OF ANY OTHER WATER RIGHT SO AS TO MAKE WATER AVAILABLE TO SATISFY THIS WATER RIGHT.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052664 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): WETLAND

Maximum Flow Rate:
NO FLOW RATE IS DEFINED FOR THIS INWETLAND WATER RIGHT.

Maximum Volume:
THIS WATER RIGHT IS FOR ALL NATURALLY OCCURRING SURFACE AND
GROUNDWATER FOR THESE WETLANDS.

Maximum Acres: 3,252.88

Source Name: WETLAND

Source Type: ALL NATURALLY OCCURING WATER

THE SOURCE IS WETLANDS TRIBUTARY TO JOCKO RIVER.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1						LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INWETLAND

Diversion Type: PRIMARY

2						MISSOULA
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INWETLAND

Diversion Type: PRIMARY

3						SANDERS
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INWETLAND

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE SAME AS THE PLACE OF USE.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				6	14N	19W	MISSOULA
2				1	14N	20W	MISSOULA
3				3	15N	17W	MISSOULA
4				4	15N	17W	MISSOULA
5				5	15N	17W	MISSOULA
6				10	15N	17W	MISSOULA
7				2	15N	18W	MISSOULA
8				3	15N	18W	MISSOULA
9				6	15N	18W	MISSOULA
10				1	15N	19W	MISSOULA
11				2	15N	19W	MISSOULA
12				3	15N	19W	MISSOULA
13				4	15N	19W	MISSOULA
14				5	15N	19W	MISSOULA
15				6	15N	19W	MISSOULA
16				7	15N	19W	MISSOULA
17				8	15N	19W	MISSOULA
18				11	15N	19W	MISSOULA

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
19				14	15N	19W	MISSOULA
20				15	15N	19W	MISSOULA
21				17	15N	19W	MISSOULA
22				18	15N	19W	MISSOULA
23				19	15N	19W	MISSOULA
24				22	15N	19W	MISSOULA
25				30	15N	19W	MISSOULA
26				31	15N	19W	MISSOULA
27				12	15N	20W	MISSOULA
28				13	15N	20W	MISSOULA
29				14	15N	20W	MISSOULA
30				23	15N	20W	MISSOULA
31				24	15N	20W	MISSOULA
32				25	15N	20W	MISSOULA
33				19	16N	16W	MISSOULA
34				30	16N	16W	MISSOULA
35				3	16N	17W	MISSOULA
36				4	16N	17W	MISSOULA
37				5	16N	17W	MISSOULA
38				6	16N	17W	MISSOULA
39				7	16N	17W	MISSOULA
40				8	16N	17W	MISSOULA
41				9	16N	17W	MISSOULA
42				13	16N	17W	MISSOULA
43				14	16N	17W	MISSOULA
44				15	16N	17W	MISSOULA
45				17	16N	17W	MISSOULA
46				18	16N	17W	MISSOULA
47				19	16N	17W	MISSOULA
48				20	16N	17W	MISSOULA
49				21	16N	17W	MISSOULA
50				22	16N	17W	MISSOULA
51				23	16N	17W	MISSOULA
52				24	16N	17W	MISSOULA
53				25	16N	17W	MISSOULA
54				28	16N	17W	MISSOULA
55				29	16N	17W	MISSOULA
56				31	16N	17W	MISSOULA
57				32	16N	17W	MISSOULA
58				33	16N	17W	MISSOULA
59				34	16N	17W	MISSOULA
60				1	16N	18W	MISSOULA
61				2	16N	18W	MISSOULA
62				3	16N	18W	MISSOULA
63				4	16N	18W	MISSOULA
64				5	16N	18W	MISSOULA
65				8	16N	18W	MISSOULA
66				9	16N	18W	MISSOULA
67				10	16N	18W	MISSOULA
68				11	16N	18W	MISSOULA
69				12	16N	18W	MISSOULA
70				13	16N	18W	MISSOULA
71				14	16N	18W	MISSOULA
72				15	16N	18W	MISSOULA
73				17	16N	18W	MISSOULA
74				18	16N	18W	MISSOULA
75				19	16N	18W	MISSOULA
76				20	16N	18W	MISSOULA
77				21	16N	18W	MISSOULA
78				22	16N	18W	MISSOULA
79				24	16N	18W	MISSOULA
80				26	16N	18W	MISSOULA
81				27	16N	18W	MISSOULA
82				28	16N	18W	MISSOULA
83				29	16N	18W	MISSOULA
84				30	16N	18W	MISSOULA
85				31	16N	18W	MISSOULA
86				32	16N	18W	MISSOULA
87				33	16N	18W	MISSOULA
88				34	16N	18W	MISSOULA
89				35	16N	18W	MISSOULA
90				1	16N	19W	LAKE

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
91				2	16N	19W	LAKE
92				4	16N	19W	LAKE
93				5	16N	19W	LAKE
94				7	16N	19W	LAKE
95				9	16N	19W	LAKE
96				10	16N	19W	LAKE
97				11	16N	19W	LAKE
98				14	16N	19W	LAKE
99				15	16N	19W	LAKE
100				16	16N	19W	LAKE
101				17	16N	19W	LAKE
102				18	16N	19W	LAKE
103				19	16N	19W	MISSOULA
104				21	16N	19W	MISSOULA
105				22	16N	19W	MISSOULA
106				25	16N	19W	MISSOULA
107				26	16N	19W	MISSOULA
108				27	16N	19W	MISSOULA
109				28	16N	19W	MISSOULA
110				29	16N	19W	MISSOULA
111				30	16N	19W	MISSOULA
112				31	16N	19W	MISSOULA
113				32	16N	19W	MISSOULA
114				33	16N	19W	MISSOULA
115				36	16N	19W	MISSOULA
116				1	16N	20W	LAKE
117				2	16N	20W	LAKE
118				3	16N	20W	LAKE
119				4	16N	20W	LAKE
120				7	16N	20W	LAKE
121				8	16N	20W	LAKE
122				9	16N	20W	LAKE
123				10	16N	20W	LAKE
124				11	16N	20W	LAKE
125				12	16N	20W	LAKE
126				13	16N	20W	LAKE
127				14	16N	20W	LAKE
128				15	16N	20W	LAKE
129				23	16N	20W	MISSOULA
130				24	16N	20W	LAKE
131				24	16N	20W	MISSOULA
132				36	16N	20W	MISSOULA
133				1	16N	21W	SANDERS
134				2	16N	21W	SANDERS
135				3	16N	21W	SANDERS
136				10	16N	21W	SANDERS
137				11	16N	21W	SANDERS
138				12	16N	21W	SANDERS
139				15	16N	21W	SANDERS
140				1	16N	22W	SANDERS
141				2	16N	22W	SANDERS
142				11	16N	22W	SANDERS
143				12	16N	22W	SANDERS
144				13	16N	22W	SANDERS
145				14	16N	22W	SANDERS
146				2	17N	17W	MISSOULA
147				3	17N	17W	MISSOULA
148				4	17N	17W	MISSOULA
149				6	17N	17W	MISSOULA
150				8	17N	17W	MISSOULA
151				9	17N	17W	MISSOULA
152				11	17N	17W	MISSOULA
153				15	17N	17W	MISSOULA
154				16	17N	17W	MISSOULA
155				17	17N	17W	MISSOULA
156				18	17N	17W	MISSOULA
157				19	17N	17W	MISSOULA
158				20	17N	17W	MISSOULA
159				21	17N	17W	MISSOULA
160				22	17N	17W	MISSOULA
161				28	17N	17W	MISSOULA
162				29	17N	17W	MISSOULA

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
163				30	17N	17W	MISSOULA
164				31	17N	17W	MISSOULA
165				32	17N	17W	MISSOULA
166				35	17N	17W	MISSOULA
167				1	17N	18W	LAKE
168				2	17N	18W	LAKE
169				3	17N	18W	LAKE
170				7	17N	18W	LAKE
171				10	17N	18W	LAKE
172				12	17N	18W	LAKE
173				14	17N	18W	LAKE
174				15	17N	18W	LAKE
175				17	17N	18W	LAKE
176				18	17N	18W	LAKE
177				19	17N	18W	LAKE
178				20	17N	18W	LAKE
179				21	17N	18W	LAKE
180				22	17N	18W	LAKE
181				23	17N	18W	LAKE
182				24	17N	18W	LAKE
183				24	17N	18W	MISSOULA
184				25	17N	18W	LAKE
185				25	17N	18W	MISSOULA
186				26	17N	18W	LAKE
187				27	17N	18W	LAKE
188				28	17N	18W	LAKE
189				29	17N	18W	LAKE
190				30	17N	18W	LAKE
191				31	17N	18W	LAKE
192				34	17N	18W	LAKE
193				35	17N	18W	LAKE
194				36	17N	18W	LAKE
195				36	17N	18W	MISSOULA
196				7	17N	19W	LAKE
197				13	17N	19W	LAKE
198				14	17N	19W	LAKE
199				15	17N	19W	LAKE
200				18	17N	19W	LAKE
201				19	17N	19W	LAKE
202				20	17N	19W	LAKE
203				22	17N	19W	LAKE
204				23	17N	19W	LAKE
205				24	17N	19W	LAKE
206				25	17N	19W	LAKE
207				26	17N	19W	LAKE
208				29	17N	19W	LAKE
209				30	17N	19W	LAKE
210				32	17N	19W	LAKE
211				33	17N	19W	LAKE
212				36	17N	19W	LAKE
213				4	17N	20W	LAKE
214				5	17N	20W	LAKE
215				7	17N	20W	LAKE
216				7	17N	20W	SANDERS
217				8	17N	20W	LAKE
218				9	17N	20W	LAKE
219				10	17N	20W	LAKE
220				11	17N	20W	LAKE
221				12	17N	20W	LAKE
222				13	17N	20W	LAKE
223				14	17N	20W	LAKE
224				15	17N	20W	LAKE
225				16	17N	20W	LAKE
226				17	17N	20W	LAKE
227				18	17N	20W	LAKE
228				19	17N	20W	LAKE
229				20	17N	20W	LAKE
230				21	17N	20W	LAKE
231				22	17N	20W	LAKE
232				23	17N	20W	LAKE
233				24	17N	20W	LAKE
234				25	17N	20W	LAKE

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
235				26	17N	20W	LAKE
236				27	17N	20W	LAKE
237				28	17N	20W	LAKE
238				30	17N	20W	LAKE
239				31	17N	20W	LAKE
240				32	17N	20W	LAKE
241				33	17N	20W	LAKE
242				34	17N	20W	LAKE
243				35	17N	20W	LAKE
244				36	17N	20W	LAKE
245				1	17N	21W	SANDERS
246				2	17N	21W	SANDERS
247				4	17N	21W	SANDERS
248				9	17N	21W	SANDERS
249				10	17N	21W	SANDERS
250				12	17N	21W	SANDERS
251				13	17N	21W	SANDERS
252				15	17N	21W	SANDERS
253				16	17N	21W	SANDERS
254				18	17N	21W	SANDERS
255				21	17N	21W	SANDERS
256				22	17N	21W	SANDERS
257				23	17N	21W	SANDERS
258				24	17N	21W	SANDERS
259				25	17N	21W	SANDERS
260				26	17N	21W	SANDERS
261				27	17N	21W	SANDERS
262				36	17N	21W	SANDERS
263				27	18N	17W	MISSOULA
264				28	18N	17W	MISSOULA
265				31	18N	17W	MISSOULA
266				32	18N	17W	MISSOULA
267				33	18N	17W	MISSOULA
268				34	18N	17W	MISSOULA
269				35	18N	17W	MISSOULA
270				26	18N	18W	LAKE
271				34	18N	18W	LAKE
272				35	18N	18W	LAKE
273				36	18N	18W	LAKE
274				29	18N	20W	LAKE
275				31	18N	20W	LAKE
276				31	18N	20W	SANDERS
277				32	18N	20W	LAKE
278				33	18N	20W	LAKE
279				17	18N	21W	SANDERS
280				20	18N	21W	SANDERS
281				21	18N	21W	SANDERS
282				22	18N	21W	SANDERS
283				25	18N	21W	SANDERS
284				26	18N	21W	SANDERS
285				27	18N	21W	SANDERS
286				33	18N	21W	SANDERS
287				36	18N	21W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THIS WATER RIGHT CANNOT BE EXERCISED TO MAKE A CALL ON ANY WATER RIGHT THAT WAS IN EXISTENCE AS OF THE EFFECTIVE DATE OF THE WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA AND THE UNITED STATES OF AMERICA THAT IS OPERATING WITHIN THE LAWFUL PARAMETERS OF THAT WATER RIGHT.

SEE 30052664 MAP EXHIBIT(S) 1 THROUGH 32.

THE EXERCISE OF THIS WATER RIGHT CANNOT EXTEND TO REQUIRING THE USE OF ANY OTHER WATER RIGHT SO AS TO MAKE WATER AVAILABLE TO SATISFY THIS WATER RIGHT.

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THE PLACES OF USE AND POINTS OF DIVERSION FOR THIS WATER RIGHT ARE NATURAL WETLANDS WHOSE PERIMETERS ARE DEMARCATED ON THE MAP(S) ASSOCIATED WITH THIS WATER RIGHT.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE WATER SUPPLY, WETTED BOUNDARY PERIMETER, OR DURATION OF WATER INUNDATION OF THE WETLANDS.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052665 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): WETLAND

Maximum Flow Rate: NO FLOW RATE IS DEFINED FOR THIS INWETLAND WATER RIGHT.

Maximum Volume: THIS WATER RIGHT IS FOR ALL NATURALLY OCCURRING SURFACE AND
GROUNDWATER FOR THESE WETLANDS.

Maximum Acres: 1,309.44

Source Name: WETLAND

Source Type: ALL NATURALLY OCCURING WATER

THE SOURCE IS WETLANDS TRIBUTARY TO LITTLE BITTERROOT RIVER.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1						FLATHEAD

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INWETLAND

Diversion Type: PRIMARY

2						LAKE
---	--	--	--	--	--	------

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INWETLAND

Diversion Type: PRIMARY

3						SANDERS
---	--	--	--	--	--	---------

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INWETLAND

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE SAME AS THE PLACE OF USE.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				18	20N	21W	SANDERS
2				6	20N	22W	SANDERS
3				7	20N	22W	SANDERS
4				13	20N	22W	SANDERS
5				23	20N	22W	SANDERS
6				24	20N	22W	SANDERS
7				26	20N	22W	SANDERS
8				27	20N	22W	SANDERS
9				28	20N	22W	SANDERS
10				29	20N	22W	SANDERS
11				32	20N	22W	SANDERS
12				33	20N	22W	SANDERS
13				1	20N	23W	SANDERS
14				12	20N	23W	SANDERS
15				13	20N	23W	SANDERS
16				4	21N	22W	LAKE
17				5	21N	22W	LAKE
18				6	21N	22W	LAKE

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
19				7	21N	22W	SANDERS
20				8	21N	22W	SANDERS
21				9	21N	22W	SANDERS
22				19	21N	22W	SANDERS
23				20	21N	22W	SANDERS
24				21	21N	22W	SANDERS
25				28	21N	22W	SANDERS
26				30	21N	22W	SANDERS
27				31	21N	22W	SANDERS
28				1	21N	23W	LAKE
29				4	21N	23W	LAKE
30				10	21N	23W	SANDERS
31				14	21N	23W	SANDERS
32				15	21N	23W	SANDERS
33				25	21N	23W	SANDERS
34				1	21N	24W	SANDERS
35				2	21N	24W	SANDERS
36				3	21N	24W	SANDERS
37				4	21N	24W	SANDERS
38				5	21N	24W	SANDERS
39				13	21N	24W	SANDERS
40				15	21N	24W	SANDERS
41				18	22N	23W	SANDERS
42				28	22N	23W	LAKE
43				32	22N	23W	LAKE
44				33	22N	23W	LAKE
45				34	22N	23W	LAKE
46				35	22N	23W	LAKE
47				1	22N	24W	SANDERS
48				4	22N	24W	SANDERS
49				18	22N	24W	SANDERS
50				20	22N	24W	SANDERS
51				21	22N	24W	SANDERS
52				22	22N	24W	SANDERS
53				34	22N	24W	SANDERS
54				35	22N	24W	SANDERS
55				6	23N	23W	LAKE
56				7	23N	23W	LAKE
57				7	23N	23W	SANDERS
58				9	23N	23W	LAKE
59				15	23N	23W	LAKE
60				16	23N	23W	LAKE
61				20	23N	23W	LAKE
62				21	23N	23W	LAKE
63				30	23N	23W	SANDERS
64				31	23N	23W	SANDERS
65				2	23N	24W	SANDERS
66				3	23N	24W	SANDERS
67				10	23N	24W	SANDERS
68				11	23N	24W	SANDERS
69				12	23N	24W	SANDERS
70				13	23N	24W	SANDERS
71				15	23N	24W	SANDERS
72				16	23N	24W	SANDERS
73				17	23N	24W	SANDERS
74				20	23N	24W	SANDERS
75				21	23N	24W	SANDERS
76				22	23N	24W	SANDERS
77				23	23N	24W	SANDERS
78				24	23N	24W	SANDERS
79				25	23N	24W	SANDERS
80				26	23N	24W	SANDERS
81				27	23N	24W	SANDERS
82				28	23N	24W	SANDERS
83				29	23N	24W	SANDERS
84				33	23N	24W	SANDERS
85				34	23N	24W	SANDERS
86				35	23N	24W	SANDERS
87				36	23N	24W	SANDERS
88				1	24N	23W	FLATHEAD
89				8	24N	23W	FLATHEAD
90				9	24N	23W	FLATHEAD

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
91				10	24N	23W	FLATHEAD
92				12	24N	23W	FLATHEAD
93				15	24N	23W	FLATHEAD
94				16	24N	23W	FLATHEAD
95				17	24N	23W	FLATHEAD
96				18	24N	23W	FLATHEAD
97				18	24N	23W	SANDERS
98				21	24N	23W	FLATHEAD
99				25	24N	23W	FLATHEAD
100				30	24N	23W	FLATHEAD
101				31	24N	23W	FLATHEAD
102				31	24N	23W	LAKE
103				2	24N	24W	SANDERS
104				4	24N	24W	SANDERS
105				9	24N	24W	SANDERS
106				10	24N	24W	SANDERS
107				11	24N	24W	SANDERS
108				12	24N	24W	SANDERS
109				13	24N	24W	SANDERS
110				16	24N	24W	SANDERS
111				18	24N	24W	SANDERS
112				19	24N	24W	SANDERS
113				21	24N	24W	SANDERS
114				22	24N	24W	SANDERS
115				23	24N	24W	SANDERS
116				24	24N	24W	SANDERS
117				25	24N	24W	SANDERS
118				26	24N	24W	SANDERS
119				34	24N	24W	SANDERS
120				35	24N	24W	SANDERS
121				34	25N	24W	FLATHEAD

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THIS WATER RIGHT CANNOT BE EXERCISED TO MAKE A CALL ON ANY WATER RIGHT THAT WAS IN EXISTENCE AS OF THE EFFECTIVE DATE OF THE WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA AND THE UNITED STATES OF AMERICA THAT IS OPERATING WITHIN THE LAWFUL PARAMETERS OF THAT WATER RIGHT.

SEE 30052665 MAP EXHIBIT(S) 1 THROUGH 22.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE WATER SUPPLY, WETTED BOUNDARY PERIMETER, OR DURATION OF WATER INUNDATION OF THE WETLANDS.

THE PLACES OF USE AND POINTS OF DIVERSION FOR THIS WATER RIGHT ARE NATURAL WETLANDS WHOSE PERIMETERS ARE DEMARCATED ON THE MAP(S) ASSOCIATED WITH THIS WATER RIGHT.

THE EXERCISE OF THIS WATER RIGHT CANNOT EXTEND TO REQUIRING THE USE OF ANY OTHER WATER RIGHT SO AS TO MAKE WATER AVAILABLE TO SATISFY THIS WATER RIGHT.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052666 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): WETLAND

Maximum Flow Rate:

NO FLOW RATE IS DEFINED FOR THIS INWETLAND WATER RIGHT.

Maximum Volume:

THIS WATER RIGHT IS FOR ALL NATURALLY OCCURRING SURFACE AND
GROUNDWATER FOR THESE WETLANDS.

Maximum Acres: 1,940.79

Source Name: WETLAND

Source Type: ALL NATURALLY OCCURING WATER

THE SOURCE IS WETLANDS TRIBUTARY TO MISSION CREEK.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1						LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INWETLAND

Diversion Type: PRIMARY

2

SANDERS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INWETLAND

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE SAME AS THE PLACE OF USE.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				6	17N	18W	LAKE
2				2	17N	19W	LAKE
3				4	17N	19W	LAKE
4				9	17N	19W	LAKE
5				4	18N	18W	LAKE
6				5	18N	18W	LAKE
7				6	18N	18W	LAKE
8				8	18N	18W	LAKE
9				9	18N	18W	LAKE
10				16	18N	18W	LAKE
11				17	18N	18W	LAKE
12				19	18N	18W	LAKE
13				20	18N	18W	LAKE
14				21	18N	18W	LAKE
15				22	18N	18W	LAKE
16				27	18N	18W	LAKE
17				29	18N	18W	LAKE
18				3	18N	19W	LAKE
19				4	18N	19W	LAKE
20				6	18N	19W	LAKE
21				7	18N	19W	LAKE
22				9	18N	19W	LAKE
23				10	18N	19W	LAKE
24				11	18N	19W	LAKE

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Tw</u>	<u>Rge</u>	<u>County</u>
25				12	18N	19W	LAKE
26				13	18N	19W	LAKE
27				14	18N	19W	LAKE
28				19	18N	19W	LAKE
29				21	18N	19W	LAKE
30				22	18N	19W	LAKE
31				23	18N	19W	LAKE
32				24	18N	19W	LAKE
33				26	18N	19W	LAKE
34				27	18N	19W	LAKE
35				28	18N	19W	LAKE
36				29	18N	19W	LAKE
37				30	18N	19W	LAKE
38				31	18N	19W	LAKE
39				32	18N	19W	LAKE
40				33	18N	19W	LAKE
41				1	18N	20W	LAKE
42				2	18N	20W	LAKE
43				4	18N	20W	LAKE
44				9	18N	20W	LAKE
45				11	18N	20W	LAKE
46				12	18N	20W	LAKE
47				13	18N	20W	LAKE
48				14	18N	20W	LAKE
49				15	18N	20W	LAKE
50				16	18N	20W	LAKE
51				21	18N	20W	LAKE
52				22	18N	20W	LAKE
53				23	18N	20W	LAKE
54				24	18N	20W	LAKE
55				25	18N	20W	LAKE
56				27	18N	20W	LAKE
57				28	18N	20W	LAKE
58				34	18N	20W	LAKE
59				35	18N	20W	LAKE
60				4	18N	21W	LAKE
61				4	18N	21W	SANDERS
62				4	19N	18W	LAKE
63				5	19N	18W	LAKE
64				6	19N	18W	LAKE
65				7	19N	18W	LAKE
66				9	19N	18W	LAKE
67				16	19N	18W	LAKE
68				17	19N	18W	LAKE
69				21	19N	18W	LAKE
70				22	19N	18W	LAKE
71				27	19N	18W	LAKE
72				28	19N	18W	LAKE
73				29	19N	18W	LAKE
74				30	19N	18W	LAKE
75				31	19N	18W	LAKE
76				32	19N	18W	LAKE
77				1	19N	19W	LAKE
78				3	19N	19W	LAKE
79				4	19N	19W	LAKE
80				5	19N	19W	LAKE
81				6	19N	19W	LAKE
82				7	19N	19W	LAKE
83				9	19N	19W	LAKE
84				10	19N	19W	LAKE
85				12	19N	19W	LAKE
86				15	19N	19W	LAKE
87				16	19N	19W	LAKE
88				17	19N	19W	LAKE
89				20	19N	19W	LAKE
90				21	19N	19W	LAKE
91				22	19N	19W	LAKE
92				24	19N	19W	LAKE
93				25	19N	19W	LAKE
94				26	19N	19W	LAKE
95				27	19N	19W	LAKE
96				28	19N	19W	LAKE

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
97				31	19N	19W	LAKE
98				34	19N	19W	LAKE
99				35	19N	19W	LAKE
100				36	19N	19W	LAKE
101				1	19N	20W	LAKE
102				2	19N	20W	LAKE
103				3	19N	20W	LAKE
104				6	19N	20W	LAKE
105				8	19N	20W	LAKE
106				9	19N	20W	LAKE
107				10	19N	20W	LAKE
108				11	19N	20W	LAKE
109				14	19N	20W	LAKE
110				15	19N	20W	LAKE
111				16	19N	20W	LAKE
112				17	19N	20W	LAKE
113				19	19N	20W	LAKE
114				20	19N	20W	LAKE
115				23	19N	20W	LAKE
116				24	19N	20W	LAKE
117				25	19N	20W	LAKE
118				33	19N	20W	LAKE
119				35	19N	20W	LAKE
120				36	19N	20W	LAKE
121				11	19N	21W	LAKE
122				12	19N	21W	LAKE
123				27	19N	21W	LAKE
124				28	19N	21W	LAKE
125				33	19N	21W	LAKE
126				19	20N	18W	LAKE
127				30	20N	18W	LAKE
128				31	20N	18W	LAKE
129				32	20N	18W	LAKE
130				13	20N	19W	LAKE
131				14	20N	19W	LAKE
132				15	20N	19W	LAKE
133				16	20N	19W	LAKE
134				17	20N	19W	LAKE
135				19	20N	19W	LAKE
136				20	20N	19W	LAKE
137				21	20N	19W	LAKE
138				23	20N	19W	LAKE
139				24	20N	19W	LAKE
140				25	20N	19W	LAKE
141				26	20N	19W	LAKE
142				27	20N	19W	LAKE
143				29	20N	19W	LAKE
144				30	20N	19W	LAKE
145				31	20N	19W	LAKE
146				32	20N	19W	LAKE
147				33	20N	19W	LAKE
148				36	20N	19W	LAKE
149				16	20N	20W	LAKE
150				25	20N	20W	LAKE
151				27	20N	20W	LAKE
152				28	20N	20W	LAKE
153				33	20N	20W	LAKE
154				34	20N	20W	LAKE
155				35	20N	20W	LAKE
156				36	20N	20W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

Remarks:

THIS WATER RIGHT CANNOT BE EXERCISED TO MAKE A CALL ON ANY WATER RIGHT THAT WAS IN EXISTENCE AS OF THE EFFECTIVE DATE OF THE WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA AND THE UNITED STATES OF AMERICA THAT IS OPERATING WITHIN THE LAWFUL PARAMETERS OF THAT WATER RIGHT.

THE PLACES OF USE AND POINTS OF DIVERSION FOR THIS WATER RIGHT ARE NATURAL WETLANDS WHOSE PERIMETERS ARE DEMARCATED ON THE MAP(S) ASSOCIATED WITH THIS WATER RIGHT.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE WATER SUPPLY, WETTED BOUNDARY PERIMETER, OR DURATION OF WATER INUNDATION OF THE WETLANDS.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THE EXERCISE OF THIS WATER RIGHT CANNOT EXTEND TO REQUIRING THE USE OF ANY OTHER WATER RIGHT SO AS TO MAKE WATER AVAILABLE TO SATISFY THIS WATER RIGHT.

SEE 30052666 MAP EXHIBIT(S) 1 THROUGH 18.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052667 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): WETLAND

Maximum Flow Rate:

NO FLOW RATE IS DEFINED FOR THIS INWETLAND WATER RIGHT.

Maximum Volume:

THIS WATER RIGHT IS FOR ALL NATURALLY OCCURRING SURFACE AND
GROUNDWATER FOR THESE WETLANDS.

Maximum Acres: 339.19

Source Name: WETLAND

Source Type: ALL NATURALLY OCCURING WATER

THE SOURCE IS WETLANDS TRIBUTARY TO FLATHEAD RIVER (FLATHEAD
LAKE).

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1						LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INWETLAND

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE SAME AS THE PLACE OF USE.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				6	22N	18W	LAKE
2				1	22N	19W	LAKE
3				5	22N	19W	LAKE
4				17	22N	19W	LAKE
5				2	22N	20W	LAKE
6				19	23N	18W	LAKE
7				19	23N	19W	LAKE
8				20	23N	19W	LAKE
9				21	23N	19W	LAKE
10				24	23N	19W	LAKE
11				29	23N	19W	LAKE
12				30	23N	19W	LAKE
13				32	23N	19W	LAKE
14				33	23N	19W	LAKE
15				34	23N	19W	LAKE
16				36	23N	19W	LAKE
17				3	23N	20W	LAKE
18				4	23N	20W	LAKE
19				5	23N	20W	LAKE
20				6	23N	20W	LAKE
21				7	23N	20W	LAKE
22				9	23N	20W	LAKE
23				10	23N	20W	LAKE
24				11	23N	20W	LAKE
25				21	23N	20W	LAKE
26				28	23N	20W	LAKE
27				29	23N	20W	LAKE
28				35	23N	20W	LAKE

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
29				36	23N	20W	LAKE
30				1	23N	21W	LAKE
31				2	23N	21W	LAKE
32				3	23N	21W	LAKE
33				9	23N	21W	LAKE
34				10	23N	21W	LAKE
35				11	23N	21W	LAKE
36				14	23N	21W	LAKE
37				17	23N	21W	LAKE
38				20	23N	21W	LAKE
39				18	24N	18W	LAKE
40				31	24N	18W	LAKE
41				1	24N	19W	LAKE
42				10	24N	19W	LAKE
43				13	24N	19W	LAKE
44				15	24N	19W	LAKE
45				23	24N	19W	LAKE
46				31	24N	20W	LAKE
47				2	24N	21W	LAKE
48				3	24N	21W	LAKE
49				4	24N	21W	LAKE
50				5	24N	21W	LAKE
51				7	24N	21W	LAKE
52				9	24N	21W	LAKE
53				10	24N	21W	LAKE
54				19	24N	21W	LAKE
55				25	24N	21W	LAKE
56				35	24N	21W	LAKE
57				1	24N	22W	LAKE
58				11	24N	22W	LAKE
59				13	24N	22W	LAKE
60				24	24N	22W	LAKE
61				25	24N	22W	LAKE
62				31	25N	21W	LAKE
63				32	25N	21W	LAKE
64				35	25N	22W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THIS WATER RIGHT CANNOT BE EXERCISED TO MAKE A CALL ON ANY WATER RIGHT THAT WAS IN EXISTENCE AS OF THE EFFECTIVE DATE OF THE WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA AND THE UNITED STATES OF AMERICA THAT IS OPERATING WITHIN THE LAWFUL PARAMETERS OF THAT WATER RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THE PLACES OF USE AND POINTS OF DIVERSION FOR THIS WATER RIGHT ARE NATURAL WETLANDS WHOSE PERIMETERS ARE DEMARCATED ON THE MAP(S) ASSOCIATED WITH THIS WATER RIGHT.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE WATER SUPPLY, WETTED BOUNDARY PERIMETER, OR DURATION OF WATER INUNDATION OF THE WETLANDS.

THE EXERCISE OF THIS WATER RIGHT CANNOT EXTEND TO REQUIRING THE USE OF ANY OTHER WATER RIGHT SO AS TO MAKE WATER AVAILABLE TO SATISFY THIS WATER RIGHT.

SEE 30052667 MAP EXHIBIT(S) 1 THROUGH 15.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052668 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate:

NO FLOW RATE IS DEFINED FOR THIS HIGH MOUNTAIN LAKE WATER RIGHT.

Maximum Volume:

THIS WATER RIGHT IS FOR ALL NATURALLY OCCURRING SURFACE AND
GROUNDWATER FOR THESE LAKES.

Source Name: CAMAS CREEK

Source Type: ALL NATURALLY OCCURING WATER

SOURCE LOCATED WITHIN AN INTERIOR DRAINAGE.

THE SOURCE IS HIGH MOUNTAIN LAKES TRIBUTARY TO CAMAS CREEK. THESE
LAKE(S) INCLUDE RAINBOW (DOG) LAKE.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1						SANDERS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INLAKE

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE SAME AS THE PLACE OF USE.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				2	20N	25W	SANDERS
2				3	20N	25W	SANDERS
3				4	20N	25W	SANDERS
4				35	21N	25W	SANDERS
5				36	21N	25W	SANDERS

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS WATER RIGHT CANNOT BE EXERCISED TO MAKE A CALL ON ANY WATER RIGHT THAT WAS IN
EXISTENCE AS OF THE EFFECTIVE DATE OF THE WATER RIGHTS COMPACT AMONG THE
CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA AND THE UNITED STATES
OF AMERICA THAT IS OPERATING WITHIN THE LAWFUL PARAMETERS OF THAT WATER RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER
RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE
OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE
USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE WATER SUPPLY, WETTED BOUNDARY
PERIMETER, OR DURATION OF WATER INUNDATION OF THE LAKES.

THE PLACES OF USE AND POINTS OF DIVERSION FOR THIS WATER RIGHT ARE LAKES WHOSE
PERIMETERS ARE DEMARCATED ON THE MAP(S) ASSOCIATED WITH THIS WATER RIGHT.

Remarks:

THE EXERCISE OF THIS WATER RIGHT CANNOT EXTEND TO REQUIRING THE USE OF ANY OTHER
WATER RIGHT SO AS TO MAKE WATER AVAILABLE TO SATISFY THIS WATER RIGHT.

SEE 30052668 MAP EXHIBIT(S) 1.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052669 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate:

NO FLOW RATE IS DEFINED FOR THIS HIGH MOUNTAIN LAKE WATER RIGHT.

Maximum Volume:

THIS WATER RIGHT IS FOR ALL NATURALLY OCCURRING SURFACE AND
GROUNDWATER FOR THESE LAKES.

Source Name: CROW CREEK

Source Type: ALL NATURALLY OCCURING WATER

THE SOURCE IS HIGH MOUNTAIN LAKES TRIBUTARY TO CROW CREEK. THESE
LAKE(S) INCLUDE 62 UNNAMED LAKES, COURVILLE LAKE (2), CROW LAKE (4),
LOST LAKE (3), MIDDLE CROW LAKE, MUD LAKE (4), NORTH CROW LAKE,
SCHWARZ LAKE, AND TERRACE LAKE.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1						LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INLAKE

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE SAME AS THE PLACE OF USE.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				5	20N	18W	LAKE
2				6	20N	18W	LAKE
3				7	20N	18W	LAKE
4				8	20N	18W	LAKE
5				18	20N	18W	LAKE
6				1	20N	19W	LAKE
7				10	20N	19W	LAKE
8				12	20N	19W	LAKE
9				13	20N	19W	LAKE
10				7	21N	18W	LAKE
11				8	21N	18W	LAKE
12				17	21N	18W	LAKE
13				18	21N	18W	LAKE
14				19	21N	18W	LAKE
15				20	21N	18W	LAKE
16				29	21N	18W	LAKE
17				30	21N	18W	LAKE
18				31	21N	18W	LAKE
19				32	21N	18W	LAKE
20				1	21N	19W	LAKE
21				2	21N	19W	LAKE
22				11	21N	19W	LAKE
23				12	21N	19W	LAKE
24				24	21N	19W	LAKE
25				25	21N	19W	LAKE
26				36	21N	19W	LAKE
27				11	22N	19W	LAKE
28				13	22N	19W	LAKE

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
29				24	22N	19W	LAKE
30				25	22N	19W	LAKE
31				26	22N	19W	LAKE
32				35	22N	19W	LAKE
33				36	22N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THIS WATER RIGHT CANNOT BE EXERCISED TO MAKE A CALL ON ANY WATER RIGHT THAT WAS IN EXISTENCE AS OF THE EFFECTIVE DATE OF THE WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA AND THE UNITED STATES OF AMERICA THAT IS OPERATING WITHIN THE LAWFUL PARAMETERS OF THAT WATER RIGHT.

SEE 30052669 MAP EXHIBIT(S) 1 THROUGH 5.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE WATER SUPPLY, WETTED BOUNDARY PERIMETER, OR DURATION OF WATER INUNDATION OF THE LAKES.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THE EXERCISE OF THIS WATER RIGHT CANNOT EXTEND TO REQUIRING THE USE OF ANY OTHER WATER RIGHT SO AS TO MAKE WATER AVAILABLE TO SATISFY THIS WATER RIGHT.

THE PLACES OF USE AND POINTS OF DIVERSION FOR THIS WATER RIGHT ARE LAKES WHOSE PERIMETERS ARE DEMARCATED ON THE MAP(S) ASSOCIATED WITH THIS WATER RIGHT.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052673 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate:

NO FLOW RATE IS DEFINED FOR THIS HIGH MOUNTAIN LAKE WATER RIGHT.

Maximum Volume:

THIS WATER RIGHT IS FOR ALL NATURALLY OCCURRING SURFACE AND
GROUNDWATER FOR THESE LAKES.

Source Name: MISSION CREEK

Source Type: ALL NATURALLY OCCURING WATER

THE SOURCE IS HIGH MOUNTAIN LAKES TRIBUTARY TO MISSION CREEK.
THESE LAKE(S) INCLUDE 70 UNNAMED LAKES, ASHLEY LAKES (2), CLIFF LAKE,
DISAPPOINTMENT LAKE (2), DRY LAKE, DUNCAN LAKE, FIRST LAKE, FROG
LAKES, ICEFLOE LAKE, LAKE OF THE CLOUDS, LAKE OF THE STARS, LONG
LAKE, LUCIFER LAKE, MOON LAKE, NO NAME LAKE, PICTURE LAKE, SONIELEM
LAKE, SUMMIT LAKE (3), AND TWIN LAKES.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1						LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INLAKE

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE SAME AS THE PLACE OF USE.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				8	17N	18W	LAKE
2				4	18N	18W	LAKE
3				5	18N	18W	LAKE
4				6	18N	18W	LAKE
5				8	18N	18W	LAKE
6				9	18N	18W	LAKE
7				16	18N	18W	LAKE
8				17	18N	18W	LAKE
9				18	18N	18W	LAKE
10				20	18N	18W	LAKE
11				21	18N	18W	LAKE
12				22	18N	18W	LAKE
13				27	18N	18W	LAKE
14				29	18N	18W	LAKE
15				4	19N	18W	LAKE
16				5	19N	18W	LAKE
17				9	19N	18W	LAKE
18				16	19N	18W	LAKE
19				21	19N	18W	LAKE
20				22	19N	18W	LAKE
21				27	19N	18W	LAKE
22				28	19N	18W	LAKE
23				29	19N	18W	LAKE
24				30	19N	18W	LAKE
25				31	19N	18W	LAKE
26				32	19N	18W	LAKE

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
27				33	19N	18W	LAKE
28				34	19N	18W	LAKE
29				24	19N	19W	LAKE
30				25	19N	19W	LAKE
31				26	19N	19W	LAKE
32				31	20N	18W	LAKE
33				32	20N	18W	LAKE
34				24	20N	19W	LAKE
35				36	20N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THIS WATER RIGHT CANNOT BE EXERCISED TO MAKE A CALL ON ANY WATER RIGHT THAT WAS IN EXISTENCE AS OF THE EFFECTIVE DATE OF THE WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA AND THE UNITED STATES OF AMERICA THAT IS OPERATING WITHIN THE LAWFUL PARAMETERS OF THAT WATER RIGHT.

THE PLACES OF USE AND POINTS OF DIVERSION FOR THIS WATER RIGHT ARE LAKES WHOSE PERIMETERS ARE DEMARCATED ON THE MAP(S) ASSOCIATED WITH THIS WATER RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

SEE 30052673 MAP EXHIBIT(S) 1.

THE EXERCISE OF THIS WATER RIGHT CANNOT EXTEND TO REQUIRING THE USE OF ANY OTHER WATER RIGHT SO AS TO MAKE WATER AVAILABLE TO SATISFY THIS WATER RIGHT.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE WATER SUPPLY, WETTED BOUNDARY PERIMETER, OR DURATION OF WATER INUNDATION OF THE LAKES.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052867 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate:
NO FLOW RATE IS DEFINED FOR THIS WATER RIGHT.

Maximum Volume:
THIS WATER RIGHT IS FOR ALL NATURALLY OCCURRING SURFACE WATER IN
FLATHEAD LAKE UP TO THE SHORELINE ELEVATION OF 2883 FEET ABOVE
MEAN SEA LEVEL.

Source Name: SWAN RIVER
Source Type: SURFACE WATER

Source Name: FLATHEAD RIVER (FLATHEAD LAKE)
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1						LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: FLATHEAD RIVER (FLATHEAD LAKE)

Diversion Means: INLAKE

Diversion Type: PRIMARY

2						FLATHEAD
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Source Name: FLATHEAD RIVER (FLATHEAD LAKE)

Diversion Means: INLAKE

Diversion Type: PRIMARY

3						LAKE
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Period of Diversion:

Source Name: SWAN RIVER

Diversion Means: INLAKE

Diversion Type: PRIMARY

4						FLATHEAD
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Period of Diversion:

Source Name: SWAN RIVER

Diversion Means: INLAKE

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE SAME AS THE PLACE OF USE.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
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THE PLACE OF USE IS FLATHEAD LAKE, BOTH ON AND OFF OF THE FLATHEAD
INDIAN RESERVATION.

Remarks:

SEE 30052867 MAP EXHIBIT(S) 1.
PROPOSED.V1.2015

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE QUANTITY OF WATER AVAILABLE TO SATISFY THIS RIGHT.

THE PURPOSE OF THIS WATER RIGHT IS FOR THE MAINTENANCE AND ENHANCEMENT OF FISH HABITAT. THIS WATER RIGHT SHALL NOT BE CHANGED TO ANY OTHER OR ADDITIONAL PURPOSE.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THE SOURCES FOR THIS WATER RIGHT INCLUDE ALL NAMED AND UNNAMED TRIBUTARIES THAT DRAIN DIRECTLY INTO FLATHEAD LAKE.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052870 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: JULY 16, 1855 at 12:00 A.M.

Enforceable Priority Date: JULY 16, 1855 at 12:00 A.M.

Purpose (use): POWER GENERATION

Maximum Flow Rate: 8.00 CFS

Maximum Volume: 5,792.00 AC-FT

Source Name: BOULDER CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESW	26	24N	19W	LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Flow Rate: 8.00 CFS

Diversion Means: OTHER

Diversion Type: PRIMARY

THE MEANS OF DIVERSION IS HEADWORKS AND PENSTOCK.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				34	24N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052870 MAP EXHIBIT(S) 1.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER
RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE
OF MONTANA, AND THE UNITED STATES OF AMERICA.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052871 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: JULY 16, 1855 at 12:00 A.M.

Enforceable Priority Date: JULY 16, 1855 at 12:00 A.M.

Purpose (use): POWER GENERATION

Maximum Flow Rate: 6.00 CFS

Maximum Volume: 4,344.00 AC-FT

Source Name: HELLROARING CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSW	34	23N	19W	LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Flow Rate: 6.00 CFS

Diversion Means: OTHER

Diversion Type: PRIMARY

THE MEANS OF DIVERSION IS HEADWORKS AND PENSTOCK.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				4	22N	19W	LAKE

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS
SHARE THE SAME POINT OF DIVERSION.

30052871 30052872

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

SEE 30052871 MAP EXHIBIT(S) 1.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER
RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE
OF MONTANA, AND THE UNITED STATES OF AMERICA.

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS
HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO SUPPLY ONLY OVERLAPPING
PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT.
30052871 30052872

**ADDITIONAL
DOCUMENTS**

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052872 COMPACT
Version: 1 - ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: JULY 16, 1855 at 12:00 A.M.

Enforceable Priority Date: JULY 16, 1855 at 12:00 A.M.

Purpose (use): POWER GENERATION

Maximum Flow Rate:

A SPECIFIC FLOW RATE HAS NOT BEEN DEFINED FOR THIS USE FROM THIS
ONSTREAM RESERVOIR.

Maximum Volume: 30.00 AC-FT

Source Name: HELLROARING CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSW	34	23N	19W	LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Flow Rate: 6.00 CFS

Diversion Means: OTHER

Diversion Type: PRIMARY

2		NWSW	34	23N	19W	LAKE
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: DAM

Diversion Type: SECONDARY

WATER IS RELEASED FROM HELLROARING CREEK RESERVOIR USING THE
SECONDARY POINT OF DIVERSION IN NWSW SEC 34 TWP 23N RNG 19W LAKE
COUNTY.

THE MEANS OF DIVERSION AT #1 IS HEADWORKS AND PENSTOCK.

Reservoir: ON STREAM Reservoir Name HELLROARING CREEK RESERVOIR

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		34	23N	19W	LAKE

Diversion to Reservoir: DIVERSION # 1

Dam Height: 17.00 FEET

Depth: 15.00 FEET

Surface Area: 4.36 ACRES

SEE THE ATTACHED RESERVOIR DIAGRAMS.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				4	22N	19W	LAKE

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE ASSOCIATED WHICH MEANS THE RIGHTS
SHARE THE SAME POINT OF DIVERSION.

30052871 30052872

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

SEE 30052872 MAP EXHIBIT(S) 1.

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO SUPPLY ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT.
30052871 30052872

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052922 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS
PO BOX 200701
HELENA, MT 59620-0701

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): WETLAND

Maximum Flow Rate:

NO FLOW RATE IS DEFINED FOR THIS INWETLAND WATER RIGHT.

Maximum Volume:

THIS WATER RIGHT IS FOR ALL NATURALLY OCCURRING SURFACE AND
GROUNDWATER FOR THESE WETLANDS.

Maximum Acres: 100.00

Source Name: WETLAND

Source Type: ALL NATURALLY OCCURING WATER

THE SOURCE IS WETLANDS TRIBUTARY TO CROW CREEK.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1						LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INWETLAND

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE SAME AS THE PLACE OF USE.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				22	20N	20W	LAKE
2				25	20N	20W	LAKE
3				26	20N	20W	LAKE
4				27	20N	20W	LAKE
5				35	20N	20W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THIS WATER RIGHT CANNOT BE EXERCISED TO MAKE A CALL ON ANY WATER RIGHT THAT WAS IN EXISTENCE AS OF THE EFFECTIVE DATE OF THE WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA AND THE UNITED STATES OF AMERICA THAT IS OPERATING WITHIN THE LAWFUL PARAMETERS OF THAT WATER RIGHT.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THE PLACES OF USE AND POINTS OF DIVERSION FOR THIS WATER RIGHT ARE NATURAL WETLANDS WHOSE PERIMETERS ARE DEMARCATED ON THE MAP(S) ASSOCIATED WITH THIS WATER RIGHT.

Remarks:

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE WATER SUPPLY, WETTED BOUNDARY PERIMETER, OR DURATION OF WATER INUNDATION OF THE WETLANDS.

SEE 30052922 MAP EXHIBIT(S) 1.

THE EXERCISE OF THIS WATER RIGHT CANNOT EXTEND TO REQUIRING THE USE OF ANY OTHER WATER RIGHT SO AS TO MAKE WATER AVAILABLE TO SATISFY THIS WATER RIGHT.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76LJ 30052924 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS
PO BOX 200701
HELENA, MT 59620-0701

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): WETLAND

Maximum Flow Rate:

NO FLOW RATE IS DEFINED FOR THIS INWETLAND WATER RIGHT.

Maximum Volume:

THIS WATER RIGHT IS FOR ALL NATURALLY OCCURRING SURFACE AND
GROUNDWATER FOR THESE WETLANDS.

Maximum Acres: 49.84

Source Name: WETLAND

Source Type: ALL NATURALLY OCCURING WATER

THE SOURCE IS WETLANDS TRIBUTARY TO FLATHEAD LAKE.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1						LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INWETLAND

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE SAME AS THE PLACE OF USE.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				5	22N	19W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD.

THIS WATER RIGHT CANNOT BE EXERCISED TO MAKE A CALL ON ANY WATER RIGHT THAT WAS IN EXISTENCE AS OF THE EFFECTIVE DATE OF THE WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA AND THE UNITED STATES OF AMERICA THAT IS OPERATING WITHIN THE LAWFUL PARAMETERS OF THAT WATER RIGHT.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE WATER SUPPLY, WETTED BOUNDARY PERIMETER, OR DURATION OF WATER INUNDATION OF THE WETLANDS.

THE EXERCISE OF THIS WATER RIGHT CANNOT EXTEND TO REQUIRING THE USE OF ANY OTHER WATER RIGHT SO AS TO MAKE WATER AVAILABLE TO SATISFY THIS WATER RIGHT.

THE PLACES OF USE AND POINTS OF DIVERSION FOR THIS WATER RIGHT ARE NATURAL WETLANDS WHOSE PERIMETERS ARE DEMARCATED ON THE MAP(S) ASSOCIATED WITH THIS WATER RIGHT.

SEE 30052924 MAP EXHIBIT(S) 1.

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052925 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS
PO BOX 200701
HELENA, MT 59620-0701

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): WETLAND

Maximum Flow Rate:

NO FLOW RATE IS DEFINED FOR THIS INWETLAND WATER RIGHT.

Maximum Volume:

THIS WATER RIGHT IS FOR ALL NATURALLY OCCURRING SURFACE AND
GROUNDWATER FOR THESE WETLANDS.

Maximum Acres: 432.83

Source Name: WETLAND

Source Type: ALL NATURALLY OCCURING WATER

THE SOURCE IS WETLANDS TRIBUTARY TO MISSION CREEK.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1						LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INWETLAND

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE SAME AS THE PLACE OF USE.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				6	19N	19W	LAKE
2				1	19N	20W	LAKE
3				2	19N	20W	LAKE
4				3	19N	20W	LAKE
5				4	19N	20W	LAKE
6				9	19N	20W	LAKE
7				10	19N	20W	LAKE
8				11	19N	20W	LAKE
9				12	19N	20W	LAKE
10				16	19N	20W	LAKE
11				26	20N	20W	LAKE
12				27	20N	20W	LAKE
13				33	20N	20W	LAKE
14				34	20N	20W	LAKE
15				35	20N	20W	LAKE
16				36	20N	20W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THIS WATER RIGHT CANNOT BE EXERCISED TO MAKE A CALL ON ANY WATER RIGHT THAT WAS IN EXISTENCE AS OF THE EFFECTIVE DATE OF THE WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA AND THE UNITED STATES OF AMERICA THAT IS OPERATING WITHIN THE LAWFUL PARAMETERS OF THAT WATER RIGHT.

THE EXERCISE OF THIS WATER RIGHT CANNOT EXTEND TO REQUIRING THE USE OF ANY OTHER WATER RIGHT SO AS TO MAKE WATER AVAILABLE TO SATISFY THIS WATER RIGHT.

THE PLACES OF USE AND POINTS OF DIVERSION FOR THIS WATER RIGHT ARE NATURAL WETLANDS WHOSE PERIMETERS ARE DEMARCATED ON THE MAP(S) ASSOCIATED WITH THIS WATER RIGHT.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE WATER SUPPLY, WETTED BOUNDARY PERIMETER, OR DURATION OF WATER INUNDATION OF THE WETLANDS.

SEE 30052925 MAP EXHIBIT(S) 1 THROUGH 3.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 153988-00 STATEMENT OF CLAIM
Version: 1 -- ORIGINAL RIGHT
Version Status: ACTIVE

Owners: MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS
PO BOX 200701
HELENA, MT 59620-0701

Priority Date: MAY 4, 1962

Enforceable Priority Date: MAY 4, 1962

Type of Historical Right: USE

Purpose (use): FISH AND WILDLIFE

Maximum Flow Rate:

Maximum Volume: THE FLOW RATE AND VOLUME ARE LIMITED TO THE MINIMUM AMOUNT
NECESSARY TO SUSTAIN THIS PURPOSE. THIS RIGHT SHALL CONTINUE TO BE
UTILIZED IN ACCORDANCE WITH HISTORICAL PRACTICES.

Source Name: UNNAMED TRIBUTARY OF POST CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSESW	1	19N	20W	LAKE

Period of Diversion: MARCH 1 TO DECEMBER 31

Diversion Means: INLAKE

Period of Use: MARCH 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SWSESW	1	19N	20W	LAKE

Remarks:

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

THIS CLAIM IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

THE CLAIMED FLOW RATE WAS NOT EXAMINED AS NO FLOW RATE GUIDELINES FOR THIS PURPOSE HAVE BEEN ESTABLISHED BY THE CLAIM EXAMINATION RULES.

THE WATER COURT WILL HOLD A HEARING ON THIS CLAIM TO DETERMINE ITS VALIDITY SUBJECT TO SECTION 85-2-248, MCA, AND MATTER OF THE ADJUDICATION OF EXISTING RIGHTS IN BASIN 411, 2002 MT 216, 311 MONT. 327, 55 P.3D 396. A HEARING MAY ALSO BE HELD ON THIS CLAIM IF A VALID OBJECTION IS FILED UNDER SECTION 85-2-233, MCA, OR THE WATER COURT CALLS THE CLAIM IN ON ITS OWN MOTION UNDER RULE 8, W.R.ADJ.R.

THE CLAIMED VOLUME WAS NOT EXAMINED AS NO VOLUME GUIDELINES FOR THIS PURPOSE HAVE BEEN ESTABLISHED BY THE CLAIMS EXAMINATION RULES.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052923 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

USA (DEPT OF INTERIOR FISH & WILDLIFE SERVICE)
DENVER FEDERAL CENTER
PO BOX 25486, MS #60189
DENVER, CO 80225-0486

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): WETLAND

Maximum Flow Rate: NO FLOW RATE IS DEFINED FOR THIS INWETLAND WATER RIGHT.

Maximum Volume: THIS WATER RIGHT IS FOR ALL NATURALLY OCCURRING SURFACE AND
GROUNDWATER FOR THESE WETLANDS.

Maximum Acres: 317.71

Source Name: WETLAND

Source Type: ALL NATURALLY OCCURING WATER

THE SOURCE IS WETLANDS TRIBUTARY TO CROW CREEK.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1						LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INWETLAND

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE SAME AS THE PLACE OF USE.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				13	20N	20W	LAKE
2				14	20N	20W	LAKE
3				15	20N	20W	LAKE
4				17	20N	20W	LAKE
5				18	20N	20W	LAKE
6				19	20N	20W	LAKE
7				20	20N	20W	LAKE
8				22	20N	20W	LAKE
9				23	20N	20W	LAKE
10				24	20N	20W	LAKE
11				25	20N	20W	LAKE
12				27	20N	20W	LAKE
13				30	20N	20W	LAKE
14				24	20N	21W	LAKE
15				25	20N	21W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

Remarks:

THIS WATER RIGHT CANNOT BE EXERCISED TO MAKE A CALL ON ANY WATER RIGHT THAT WAS IN EXISTENCE AS OF THE EFFECTIVE DATE OF THE WATER RIGHTS COMPACT AMONG THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA AND THE UNITED STATES OF AMERICA THAT IS OPERATING WITHIN THE LAWFUL PARAMETERS OF THAT WATER RIGHT.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE WATER SUPPLY, WETTED BOUNDARY PERIMETER, OR DURATION OF WATER INUNDATION OF THE WETLANDS.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THE EXERCISE OF THIS WATER RIGHT CANNOT EXTEND TO REQUIRING THE USE OF ANY OTHER WATER RIGHT SO AS TO MAKE WATER AVAILABLE TO SATISFY THIS WATER RIGHT.

SEE 30052923 MAP EXHIBIT(S) 1 THROUGH 3.

THE PLACES OF USE AND POINTS OF DIVERSION FOR THIS WATER RIGHT ARE NATURAL WETLANDS WHOSE PERIMETERS ARE DEMARCATED ON THE MAP(S) ASSOCIATED WITH THIS WATER RIGHT.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 30052926 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

USA (DEPT OF INTERIOR FISH & WILDLIFE SERVICE)
DENVER FEDERAL CENTER
PO BOX 25486, MS #60189
DENVER, CO 80225-0486

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): WETLAND

Maximum Flow Rate: NO FLOW RATE IS DEFINED FOR THIS INWETLAND WATER RIGHT.

Maximum Volume: THIS WATER RIGHT IS FOR ALL NATURALLY OCCURRING SURFACE AND
GROUNDWATER FOR THESE WETLANDS.

Maximum Acres: 92.70

Source Name: WETLAND

Source Type: ALL NATURALLY OCCURING WATER

THE SOURCE IS WETLANDS TRIBUTARY TO MISSION CREEK.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1						LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INWETLAND

Diversion Type: PRIMARY

THE POINT OF DIVERSION IS THE SAME AS THE PLACE OF USE.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				6	19N	20W	LAKE
2				8	19N	20W	LAKE
3				9	19N	20W	LAKE
4				15	19N	20W	LAKE
5				16	19N	20W	LAKE
6				17	19N	20W	LAKE
7				19	20N	20W	LAKE
8				20	20N	20W	LAKE
9				22	20N	20W	LAKE
10				25	20N	20W	LAKE
11				30	20N	20W	LAKE

Remarks:

THE MAP DATA SOURCE FOR PLACE OF USE AND POINT OF DIVERSION FOR THIS WATER RIGHT ARE
CONTAINED IN A GIS DATABASE FILE ENTITLED "CSKT-MT WATER RIGHTS COMPACT." THIS FILE MAY BE
DOWNLOADED FROM THE MONTANA STATE LIBRARY (NRIS.MT.GOV) OR OBTAINED IN HARDCOPY
FORM FROM THE OFFICE OF THE ENGINEER OF THE FLATHEAD RESERVATION WATER MANAGEMENT
BOARD.

THIS WATER RIGHT CANNOT BE EXERCISED TO MAKE A CALL ON ANY WATER RIGHT THAT WAS IN
EXISTENCE AS OF THE EFFECTIVE DATE OF THE WATER RIGHTS COMPACT AMONG THE
CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA AND THE UNITED STATES
OF AMERICA THAT IS OPERATING WITHIN THE LAWFUL PARAMETERS OF THAT WATER RIGHT.

Remarks:

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

SEE 30052926 MAP EXHIBIT(S) 1 THROUGH 4.

THE PLACES OF USE AND POINTS OF DIVERSION FOR THIS WATER RIGHT ARE NATURAL WETLANDS WHOSE PERIMETERS ARE DEMARCATED ON THE MAP(S) ASSOCIATED WITH THIS WATER RIGHT.

THE EXERCISE OF THIS WATER RIGHT CANNOT EXTEND TO REQUIRING THE USE OF ANY OTHER WATER RIGHT SO AS TO MAKE WATER AVAILABLE TO SATISFY THIS WATER RIGHT.

THIS WATER RIGHT HAS NO ARTIFICIAL MEANS OF DIVERSION OR CONTROL OF WATER THAT CAN BE USED TO CONTROL, MANIPULATE OR OTHERWISE AFFECT THE WATER SUPPLY, WETTED BOUNDARY PERIMETER, OR DURATION OF WATER INUNDATION OF THE WETLANDS.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 99338-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners:
JAYE W JOHNSON
3368 DUCK RD
RONAN, MT 59864

USA (DEPT OF INTERIOR FISH & WILDLIFE SERVICE)
DENVER FEDERAL CENTER
PO BOX 25486, MS #60189
DENVER, CO 80225-0486

TRANSFER PROCESSED TO ADD NEW OWNERS. THE WATER RIGHT WILL BE SPLIT
INTO SEPARATE OWNERSHIPS AFTER FINAL DECREE.

Priority Date: DECEMBER 31, 1918

Enforceable Priority Date: DECEMBER 31, 1918

Type of Historical Right: USE

Purpose (use): RECREATION

Maximum Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS
ONSTREAM RESERVOIR.

Maximum Volume: 724.00 AC-FT
THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

Source Name: NATURAL PIT, UNNAMED TRIBUTARY OF CROW CREEK

Source Type: SURFACE WATER

SOURCE IS COMPOSED OF 3 POT HOLE / KETTLE LAKES WITHIN THE POINT OF
DIVERSION LEGAL LAND DESCRIPTION.

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNE	24	20N	21W	LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NENE	24	20N	20W	LAKE

Diversion to Reservoir: DIVERSION # 1

Depth: 10.00 FEET

Surface Area: 3.10 ACRES

Current Capacity: 12.40 ACRE-FEET

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNE	24	20N	21W	LAKE

Diversion to Reservoir: DIVERSION # 1

Depth: 10.00 FEET

Surface Area: 1.30 ACRES

Current Capacity: 5.20 ACRE-FEET

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNE	24	20N	21W	LAKE

Diversion to Reservoir: DIVERSION # 1

Depth: 10.00 FEET

Surface Area: 0.73 ACRES

Current Capacity: 2.92 ACRE-FEET

THE CAPACITY, DAM HEIGHT, AND SURFACE AREA HAVE BEEN ESTIMATED BY
DNRC.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NE	24	20N	21W	LAKE
2			SE	13	20N	21W	LAKE

Geocodes/Valid:

15-2985-13-1-01-06-0000 - Y

15-2985-24-1-01-08-0000 - Y

Remarks:

THE FOLLOWING ELEMENTS WERE AMENDED BY THE CLAIMANT ON 04/11/90: POINT OF DIVERSION.
STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

THIS CLAIM IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 03/29/90.

THE WATER COURT WILL HOLD A HEARING ON THIS CLAIM TO DETERMINE ITS VALIDITY SUBJECT TO SECTION 85-2-248, MCA, AND MATTER OF THE ADJUDICATION OF EXISTING RIGHTS IN BASIN 411, 2002 MT 216, 311 MONT. 327, 55 P.3D 396. A HEARING MAY ALSO BE HELD ON THIS CLAIM IF A VALID OBJECTION IS FILED UNDER SECTION 85-2-233, MCA, OR THE WATER COURT CALLS THE CLAIM IN ON ITS OWN MOTION UNDER RULE 8, W.R.ADJ.R.

THE CLAIMED VOLUME WAS NOT EXAMINED AS NO VOLUME GUIDELINES FOR THIS PURPOSE HAVE BEEN ESTABLISHED BY THE CLAIMS EXAMINATION RULES.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 99339-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: USA (DEPT OF INTERIOR FISH & WILDLIFE SERVICE)
DENVER FEDERAL CENTER
PO BOX 25486, MS #60189
DENVER, CO 80225-0486

Priority Date: MARCH 23, 1916

Enforceable Priority Date: MARCH 23, 1916

Type of Historical Right: USE

Purpose (use): RECREATION

Maximum Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS
ONSTREAM RESERVOIR.

Maximum Volume: 360.00 AC-FT
THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

Source Name: UNNAMED TRIBUTARY OF DUBLIN GULCH

Source Type: SURFACE WATER

POTHOLE LAKE

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	5	SWNW	6	19N	20W	LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INLAKE

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWNW	6	19N	20W	LAKE

Diversion to Reservoir: DIVERSION # 1

Depth: 10.00 FEET

Surface Area: 7.90 ACRES

Current Capacity: 31.20 ACRE-FEET

THE SURFACE AREA, DEPTH AND CAPACITY BEEN ESTIMATED BY DNRC.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		5	SWNW	6	19N	20W	LAKE

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IS DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

99300-00 99330-00 99339-00

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

THIS CLAIM IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

POU IS IN GOVT. LOT # 5 SECTION 6 T19N R20W POD IS IN GOVT. LOT # 5 SECT. 6 T19N R20W

NOTICE OF WATER RIGHT TRANSFER RECEIVED 03/29/90.

Remarks:

THE WATER COURT WILL HOLD A HEARING ON THIS CLAIM TO DETERMINE ITS VALIDITY SUBJECT TO SECTION 85-2-248, MCA, AND MATTER OF THE ADJUDICATION OF EXISTING RIGHTS IN BASIN 411, 2002 MT 216, 311 MONT. 327, 55 P.3D 396. A HEARING MAY ALSO BE HELD ON THIS CLAIM IF A VALID OBJECTION IS FILED UNDER SECTION 85-2-233, MCA, OR THE WATER COURT CALLS THE CLAIM IN ON ITS OWN MOTION UNDER RULE 8, W.R.ADJ.R.

THIS CLAIM APPEARS TO DIVERT WATER FROM TWO SEPARATE SOURCES. MORE THAN ONE WATER RIGHT MAY BE INVOLVED.

THE CLAIMED VOLUME IS 11.5 TIMES THE ESTIMATED CAPACITY OF THE POTHOLE LAKE

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76L 99340-00 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status: ACTIVE

Owners: USA (DEPT OF INTERIOR FISH & WILDLIFE SERVICE)
DENVER FEDERAL CENTER
PO BOX 25486, MS #60189
DENVER, CO 80225-0486

Priority Date: DECEMBER 31, 1952

Enforceable Priority Date: DECEMBER 31, 1952

Type of Historical Right: USE

Purpose (use): RECREATION

Maximum Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS
ONSTREAM RESERVOIR.

Maximum Volume: 2,880.00 AC-FT
THE USE OF THIS WATER APPEARS TO BE LARGELY NONCONSUMPTIVE.

Source Name: UNNAMED TRIBUTARY OF CROW CREEK

Source Type: SURFACE WATER

POTHOLE LAKE

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNENE	25	20N	21W	LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: HEADGATE

Reservoir: ON STREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	NWNENE	25	20N	21W	LAKE

Diversion to Reservoir: DIVERSION # 1

Depth: 10.00 FEET

Surface Area: 3.00 ACRES

Current Capacity: 12.00 ACRE-FEET

THE SURFACE AREA, DEPTH AND CAPACITY BEEN ESTIMATED BY DNRC.

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWNENE	25	20N	21W	LAKE

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IS DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

99303-00 99304-00 99332-00 99340-00

STARTING IN 2008, PERIOD OF DIVERSION WAS ADDED TO MOST CLAIM ABSTRACTS, INCLUDING THIS ONE.

THIS CLAIM IS LOCATED IN WHOLE OR IN PART WITHIN THE EXTERIOR BOUNDARY OF THE FLATHEAD INDIAN RESERVATION.

NOTICE OF WATER RIGHT TRANSFER RECEIVED 03/29/90.

THE CLAIMED MEANS OF DIVERSION BE INCORRECT AND CANNOT BE CONFIRMED DUE TO LACK OF DATA.

Remarks:

THE WATER COURT WILL HOLD A HEARING ON THIS CLAIM TO DETERMINE ITS VALIDITY SUBJECT TO SECTION 85-2-248, MCA, AND MATTER OF THE ADJUDICATION OF EXISTING RIGHTS IN BASIN 411, 2002 MT 216, 311 MONT. 327, 55 P.3D 396. A HEARING MAY ALSO BE HELD ON THIS CLAIM IF A VALID OBJECTION IS FILED UNDER SECTION 85-2-233, MCA, OR THE WATER COURT CALLS THE CLAIM IN ON ITS OWN MOTION UNDER RULE 8, W.R.ADJ.R.

THIS CLAIM APPEARS TO DIVERT WATER FROM SEVERAL SEPARATE SOURCES. MORE THAN ONE WATER RIGHT MAY BE INVOLVED.

THE CLAIMED VOLUME MAY BE EXCESSIVE. THE CLAIMED VOLUME IS 240 TIMES THE ESTIMATED POT HOLE LAKE CAPACITY.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76D 30063810 COMPACT
Version: 1 - ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): INSTREAM FISHERY

Maximum Flow Rate: 38,573.00 CFS

THE ENFORCEABLE LEVELS OF THIS WATER RIGHT ARE INDIVIDUAL FOR
EACH CALENDAR DAY OF THE YEAR AND ARE IDENTIFIED IN THE TECHNICAL
REPORT FILED WITH THIS WATER RIGHT (SEE APPENDIX 36 OF SCANNED
FILING).

CALL MAY BE INITIATED ON THE DAY FOLLOWING A 24-HOUR PERIOD WHERE
AVERAGE DAILY RIVER FLOWS FALL BELOW THEIR RESPECTIVE DAILY
ENFORCEABLE VALUE.

ENFORCEABLE LEVELS OF THIS WATER RIGHT SHALL BE MEASURED AT THE
USGS GAGE #12305000 LOCATION ON THE KOOTENAI RIVER AT LEONIA, IDAHO
(48°37'04"N, 116°02'47"W, NAD83) (NWNWNW SEC 20 T33N R34W). IF USGS
GAGE #12305000 IS DISCONTINUED OR OTHERWISE RENDERED
NONFUNCTIONAL, MEASUREMENTS SHALL BE TAKEN EITHER AT THIS SAME
LOCATION OR AS NEAR TO THAT POINT AS IS REASONABLY PRACTICABLE.

Maximum Volume:

Source Name: KOOTENAI RIVER
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			5	32N	34W	LINCOLN

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

2			20	33N	34W	LINCOLN
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

3			21	33N	34W	LINCOLN
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

4			27	33N	34W	LINCOLN
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

5			28	33N	34W	LINCOLN
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
6			34	33N	34W	LINCOLN

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				5	32N	34W	LINCOLN
2				20	33N	34W	LINCOLN
3				21	33N	34W	LINCOLN
4				27	33N	34W	LINCOLN
5				28	33N	34W	LINCOLN
6				34	33N	34W	LINCOLN

Remarks:

THE PLACE OF USE OF THIS WATER RIGHT INCLUDES THE REACH OF THE KOOTENAI RIVER STARTING AT THE POINT WHERE THE KOOTENAI RIVER CROSSES THE MONTANA IDAHO STATE BORDER (48°37'04"N, 116°02'47"W, NAD83) (NWNWNW SEC 20 T33N R34W) AND EXTENDING UPSTREAM TO THE CONFLUENCE OF THE KOOTENAI AND YAAK RIVERS (48°33'38"N, 115°58'40"W, NAD83) (SWSWSE SEC 5 T32N R34W).

THE ABILITY TO ENFORCE THIS RIGHT SHALL BE SUSPENDED SO LONG AS LIBBY DAM REMAINS IN EXISTENCE AND THE ARMY CORPS OF ENGINEERS' (ACOE) OPERATION OF THAT DAM ARE CONDUCTED CONSISTENTLY WITH THE 2008 FEDERAL COLUMBIA RIVER POWER SYSTEM BIOLOGICAL OPINION, AND THE 2010 UPDATED BIOLOGICAL OPINION, SPECIFICALLY AS DESCRIBED IN REASONABLE AND PRUDENT ALTERNATIVE ACTION (RPA) NO. 4 (STORAGE PROJECT OPERATIONS), TABLE NO. 1 (LIBBY DAM), INCLUDING THE NORTHWEST POWER AND CONSERVATION COUNCIL'S 2003 MAINSTEM AMENDMENTS TO THE COLUMBIA RIVER BASIN FISH AND WILDLIFE PROGRAM, OR ANY SUBSEQUENT BIOLOGICAL OPINION(S) GOVERNING THE SAME RPA(S) AND OPERATIONS.

IN THE EVENT OF CHANGES TO THE ACOE'S RESPONSIBILITIES UNDER THE ENDANGERED SPECIES ACT OF 1973, 16 U.S.C. 1531, ET SEQ. (ESA), SUCH AS THE DELISTING OF RESIDENT AND ANADROMOUS FISH SPECIES, THAT NO LONGER REQUIRE THE ACOE TO OPERATE LIBBY DAM PURSUANT TO ESA SECTION 7 BIOLOGICAL OPINIONS OR OTHER SUBSTANTIVE ESA REQUIREMENTS, THE UNITED STATES, ACTING THROUGH THE ACOE, THE TRIBES, AND THE STATE SHALL ESTABLISH WRITTEN PROTOCOLS AND UNDERSTANDINGS ON MEETING AND ENFORCING THE TRIBES' MAINSTEM INSTREAM FLOW RIGHT ON THE KOOTENAI RIVER WHILE ALSO ENSURING THAT THE ACOE OPERATIONS OF LIBBY DAM MEET ALL FEDERAL STATUTORY AND REGULATORY REQUIREMENTS AND OBLIGATIONS. PROVIDED HOWEVER, THAT ANY SUCH ENFORCEMENT PROTOCOL SHALL NOT ALTER THE LIMITATIONS ON CALL SET FORTH IN ARTICLE III SECTION F OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH & KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT SHALL NOT BE EXERCISED IN CONJUNCTION WITH ANY ARTIFICIAL DIVERSION.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH & KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

SHOULD THE SUSPENSION ON ENFORCEMENT SET FORTH PURSUANT ARTICLE III.F.1.E OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH & KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA BE LIFTED, THE OWNER OF THIS WATER RIGHT SHALL BE ENTITLED TO MAKE A CALL, IN ACCORDANCE WITH STATE LAW, TO ENFORCE THIS WATER RIGHT ONLY AGAINST JUNIOR WATER RIGHTS IN BASIN 76D (KOOTENAI DRAINAGE) WHOSE POINT OF DIVERSION IS FROM THE MAINSTEM OF THE KOOTENAI RIVER AND NOT ITS TRIBUTARIES, THE PURPOSE OF WHOSE RIGHTS IS IRRIGATION AND WHOSE SOURCE OF SUPPLY IS SURFACE WATER, OR AGAINST JUNIOR USERS THE PURPOSE OF WHOSE RIGHTS IS IRRIGATION, WHOSE SOURCE OF SUPPLY IS GROUNDWATER CONNECTED TO THE MAINSTEM OF THE KOOTENAI RIVER AND WHOSE FLOW RATE IS GREATER THAN 100 GALLONS PER MINUTE.

THE DESIGNATION OF A PLACE OF USE OF THIS WATER RIGHT IS A DESIGNATION FOR PURPOSES OF MEASUREMENT OF THE ENFORCEABLE LEVELS AND IS NOT A GEOGRAPHIC LIMITATION ON THE LOCATION OF JUNIOR WATER RIGHTS AGAINST WHOM THIS RIGHT MAY BE ENFORCED.

THIS IS A NONCONSUMPTIVE INSTREAM WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76K 30063809 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): INSTREAM FISHERY

Maximum Flow Rate: 2,716.00 CFS

THE ENFORCEABLE LEVELS OF THIS WATER RIGHT ARE INDIVIDUAL FOR
EACH CALENDAR DAY OF THE YEAR AND ARE IDENTIFIED IN THE TECHNICAL
REPORT FILED WITH THIS WATER RIGHT (SEE APPENDIX 26 OF SCANNED
FILING).

CALL MAY BE INITIATED ON THE DAY FOLLOWING A 24-HOUR PERIOD WHERE
AVERAGE DAILY RIVER FLOWS FALL BELOW THEIR RESPECTIVE DAILY
ENFORCEABLE VALUE.

ENFORCEABLE LEVELS OF THIS WATER RIGHT SHALL BE MEASURED AT THE
USGS GAGE #12370000 LOCATION ON THE SWAN RIVER NEAR BIG FORK,
MONTANA (48°01'27.23"N, 113°58'43.75"W, NAD83) (NWSESW SEC 11 T26N
R19W). IF USGS GAGE #12370000 IS DISCONTINUED OR OTHERWISE
RENDERED NONFUNCTIONAL, MEASUREMENTS SHALL BE TAKEN EITHER AT
THIS SAME LOCATION OR AS NEAR TO THAT POINT AS IS REASONABLY
PRACTICABLE.

Maximum Volume:

Source Name: SWAN RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			2	26N	19W	LAKE

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

2			11	26N	19W	LAKE
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

3			14	26N	19W	LAKE
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

4			35	26N	19W	LAKE
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				2	26N	19W	LAKE
2				11	26N	19W	LAKE
3				14	26N	19W	LAKE
4				35	26N	19W	LAKE

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
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Remarks:

THE DESIGNATION OF A PLACE OF USE OF THIS WATER RIGHT IS A DESIGNATION FOR PURPOSES OF MEASUREMENT OF THE ENFORCEABLE LEVELS AND IS NOT A GEOGRAPHIC LIMITATION ON THE LOCATION OF JUNIOR WATER RIGHTS AGAINST WHOM THIS RIGHT MAY BE ENFORCED.

THE PLACE OF USE OF THIS WATER RIGHT INCLUDES THE REACH OF THE SWAN RIVER STARTING JUST ABOVE THE CONFLUENCE OF THE SWAN RIVER AND PETERSON CREEK (48°03'53"N, 113°58'29"W, NAD83) (NENENW SEC 35 T27N R19W) AND EXTENDING UPSTREAM TO THE CONFLUENCE OF THE SWAN RIVER AND JOHNSON CREEK (48°01'17"N, 113°58'46"W, NAD83) (NWNENW SEC 14 T26N R19W).

THIS WATER RIGHT SHALL NOT BE EXERCISED IN CONJUNCTION WITH ANY ARTIFICIAL DIVERSION.

THE OWNER OF THIS WATER RIGHT SHALL BE ENTITLED TO MAKE A CALL, IN ACCORDANCE WITH STATE LAW, TO ENFORCE THIS WATER RIGHT ONLY AGAINST JUNIOR WATER RIGHTS IN BASIN 76K (SWAN DRAINAGE) THE PURPOSE OF WHOSE RIGHTS IS IRRIGATION AND WHOSE SOURCE OF SUPPLY IS SURFACE WATER, OR AGAINST JUNIOR USERS THE PURPOSE OF WHOSE RIGHTS IS IRRIGATION, WHOSE SOURCE OF SUPPLY IS GROUNDWATER CONNECTED TO THE SURFACE SOURCES IN BASIN 76K (SWAN DRAINAGE) AND WHOSE FLOW RATE IS GREATER THAN 100 GALLONS PER MINUTE.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH & KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS IS A NONCONSUMPTIVE INSTREAM WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

76K 30063809 Technical Documentation

By way of the Proposed Compact, 76K 30063809 is hereby issued, creating a new water right, with a place of use along the reach of the Swan River starting just above the confluence of the Swan River and Peterson Creek and extending upstream along the Swan River to the confluence of the Swan River and Johnson Creek. The designation of a place of use of this water right is a designation for purposes of measurement of the enforceable levels and is not a geographic limitation on the location of junior water rights against whom this right may be enforced.

The enforceable levels of this water right take the form of static distributions of unique daily flow values, one each for every day of the year. Call may be initiated on the day following a 24-hour period where average daily river flows fall below their respective daily enforceable value.

Enforceable Daily Flows (CFS) for 76K 30063809 on the Swan River near Big Fork, Montana												
Day	Month											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	336	320	319	600	1,175	2,707	1,426	570	357	341	357	362
2	337	319	321	626	1,211	2,648	1,395	556	355	340	357	360
3	338	321	322	652	1,251	2,541	1,363	543	352	341	358	360
4	338	322	324	677	1,292	2,406	1,329	532	350	341	358	359
5	337	323	326	688	1,332	2,294	1,294	521	348	341	358	357
6	337	323	327	700	1,369	2,273	1,257	510	345	340	359	356
7	338	324	329	712	1,400	2,237	1,220	500	347	338	359	356
8	337	324	331	727	1,427	2,196	1,183	490	347	338	360	357
9	336	322	332	743	1,450	2,152	1,147	480	347	338	362	358
10	334	320	334	757	1,470	2,120	1,111	470	347	336	363	357
11	333	318	337	771	1,487	2,105	1,076	461	347	335	366	356
12	334	317	341	783	1,504	2,095	1,043	451	347	335	369	357
13	334	316	345	795	1,523	2,076	1,010	441	346	337	370	357
14	336	313	348	806	1,542	2,062	980	433	345	339	371	357
15	337	312	351	817	1,562	2,046	949	424	346	341	371	357
16	339	311	356	827	1,604	2,021	919	416	347	342	372	358
17	339	310	361	839	1,645	1,971	889	409	348	343	372	358
18	339	310	368	854	1,671	1,899	861	402	350	344	371	357
19	337	309	376	873	1,691	1,819	834	396	352	345	369	356
20	335	310	384	895	1,724	1,749	808	391	355	345	366	355
21	332	312	394	918	1,769	1,693	783	386	356	345	364	354
22	330	313	405	944	1,821	1,662	760	382	357	346	365	352
23	327	315	416	971	1,868	1,634	737	379	357	346	365	351
24	325	316	428	998	1,906	1,608	716	376	356	347	367	351
25	325	316	441	1,024	1,956	1,582	695	374	353	349	367	351
26	325	317	455	1,047	2,087	1,558	675	372	351	350	368	351
27	325	318	469	1,069	2,251	1,535	656	370	348	351	368	351
28	324	318	485	1,091	2,426	1,512	636	367	346	353	369	349
29	322	318	514	1,115	2,574	1,485	618	365	344	354	367	349
30	321		544	1,143	2,671	1,457	601	362	343	355	365	348
31	320		573		2,716		585	359		357		346

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76N 30063808 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): INSTREAM FISHERY

Purpose Clarification: INSTREAM

Maximum Flow Rate: 5,000.00 CFS

THE ENFORCEABLE LEVEL OF THIS WATER RIGHT SHALL BE MEASURED AT
THE USGS GAGE #12391950 LOCATION ON THE CLARK RIVER BELOW CABINET
GEORGE DAM, IDAHO (48°05'17"N, 116°04'22"W, NAD83) (NWSENE SEC 27 T55N
R3E). IF USGS GAGE #12391950 IS DISCONTINUED OR OTHERWISE RENDERED
NONFUNCTIONAL, MEASUREMENTS SHALL BE TAKEN EITHER AT THIS SAME
LOCATION OR AS NEAR TO THAT POINT AS IS REASONABLY PRACTICABLE.

CALL MAY BE INITIATED ON THE DAY FOLLOWING A 24-HOUR PERIOD WHERE
AVERAGE DAILY RIVER FLOWS FALL BELOW THE ENFORCEABLE LEVEL OF
THIS WATER RIGHT.

FOR SO LONG AS THE CABINET GORGE AND NOXON DAMS REMAIN IN
EXISTENCE, THE ENFORCEABLE LEVEL OF THIS RIGHT IS A FLOW RATE EQUAL
TO THE LESSER OF 5,000 CFS OR THE MINIMUM FLOW LEVEL ESTABLISHED BY
THE FERC AS A CONDITION ON THE LICENSE FOR THE CABINET GORGE AND
NOXON DAMS AS THAT LICENSE CONDITION MAY BE MODIFIED OVER TIME.

Maximum Volume:

Source Name: CLARK FORK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			19	27N	34W	SANDERS

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

2			24	27N	35W	SANDERS
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

Period of Use: JANUARY 1 to DECEMBER 30

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				19	27N	34W	SANDERS
2				24	27N	35W	SANDERS

Remarks:

THE OWNER OF THIS WATER RIGHT SHALL BE ENTITLED TO MAKE A CALL, IN ACCORDANCE WITH
STATE LAW, TO ENFORCE THIS WATER RIGHT ONLY AGAINST JUNIOR WATER RIGHTS IN BASIN 76N
(LOWER CLARK FORK DRAINAGE) AND IN BASIN 76M (MIDDLE CLARK FORK DRAINAGE) WHOSE POINT
OF DIVERSION IS FROM THE MAINSTEM OF THE CLARK FORK RIVER AND NOT ITS TRIBUTARIES, THE
PURPOSE OF WHOSE RIGHTS IS IRRIGATION AND WHOSE SOURCE OF SUPPLY IS SURFACE WATER, OR
AGAINST JUNIOR USERS THE PURPOSE OF WHOSE RIGHTS IS IRRIGATION, WHOSE SOURCE OF
SUPPLY IS GROUNDWATER CONNECTED TO THE MAINSTEM OF THE CLARK FORK RIVER AND WHOSE
FLOW RATE IS GREATER THAN 100 GALLONS PER MINUTE.

Remarks:

THE PLACE OF USE OF THIS WATER RIGHT INCLUDES THE REACH OF THE CLARK FORK RIVER STARTING AT THE POINT WHERE THE CLARK FORK RIVER CROSSES THE MONTANA IDAHO STATE BORDER (48°05'21"N, 116°02'56"W, NAD83) (NWSE NW SEC 24 T27N R35W) AND EXTENDING UPSTREAM TO THE CONFLUENCE OF THE CLARK FORK RIVER AND BLUE CREEK (48°05'46"N, 116°01'39"W, NAD83) (SWNWSE SEC 18 T27N R35W).

THIS WATER RIGHT SHALL NOT BE EXERCISED IN CONJUNCTION WITH ANY ARTIFICIAL DIVERSION.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH & KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THE DESIGNATION OF A PLACE OF USE OF THIS WATER RIGHT IS A DESIGNATION FOR PURPOSES OF MEASUREMENT OF THE ENFORCEABLE LEVELS AND IS NOT A GEOGRAPHIC LIMITATION ON THE LOCATION OF JUNIOR WATER RIGHTS AGAINST WHOM THIS RIGHT MAY BE ENFORCED.

THIS IS A NONCONSUMPTIVE INSTREAM WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE CANNOT BE CHANGED.

Appendix 28 Confederated Salish and Kootenai Tribes – Montana Water Rights Compact

FWP Claims co-owned by the CSKT to be finally decreed as part of the Compact:

Flathead Basin

Middle Fork Flathead River

76I 134924 00, 76I 134925 00, 76I 134926 00, 76I 134927 00, 76I 134928 00, 76I 134929 00

South Fork Flathead River

76J 134968 00, 76J 134969 00, 76J 134970 00, 76J 134971 00, 76J 134972 00, 76J 134973 00,
76J 179244 00, 76J 179245 00

Rock Creek Basin

Rock Creek

76E 133208 00, 76E 133209 00, 76E 133210 00, 76E 133211 00, 76E 133212 00, 76E 133213 00,
76E 133214 00, 76E 133215 00, 76E 133216 00, 76E 133217 00, 76E 133218 00, 76E 133219 00

Blackfoot Basin

Ward Creek (Browns L.) 76F 167411 00

Upsata Lake 76F 167412 00

Harpers Lake 76F 149231 00

Clearwater (Salmon L.) 76F 149469 00

Owl Creek (Placid Lake) 76F 149472 00

Clearwater (Seeley Lake) 76F 149471 00

Clearwater (Lake Inez) 76F 149466 00

Clearwater (Lake Alva) 76F 149467 00

Clearwater (Rainy Lake) 76F 149468 00

Clearwater Lake 76F 149470 00

Appendix 29 Confederated Salish and Kootenai Tribes – Montana Water Rights Compact

FWP Claims co-owned by the CSKT NOT to be finally decreed as part of the Compact:

Bitterroot Basin

Bitterroot River Reach 1 (Confluence with the Clark Fork River upstream to the Stevensville Bridge)

76H 151313 00, 76H 151306 00, 76H 151311 00, 76H 151312 00

Bitterroot River Reach 2 (Stevensville Bridge up stream to confluence with Sleeping Child Creek)

76H 151316 00, 76H 151309 00, 76H 151310 00, 76H 151305 00

Bitterroot River Reach 3 (From the confluence with Sleeping Child Creek upstream to the confluence of E. & West Forks)

76H 151314 00, 76H 151307 00, 76H 151315 00, 76H 151308 00

Flathead Basin

Flathead River – Mainstem

76LJ 147029 00, 76LJ 147030 00, 76LJ 147031 00, 76LJ 147032 00, 76LJ 147033 00,
76LJ 147034 00, 76LJ 147036 00, 76LJ 147037 00, 76LJ 147038 00, 76LJ 147039 00

North Fork Flathead River

76LJ 147018, 76LJ 147019 00, 76LJ 147020 00, 76LJ 147021 00, 76LJ 147022 00,
76LJ 147023 00, 76LJ 147024 00, 76LJ 147025 00, 76LJ 147026 00, 76LJ 147027 00,
76LJ 147028 00, 76LJ 147035 00

Blackfoot River

Blackfoot River Murphy Rights

76F 98984 00, 76F 98985 00, 76F 98986 00, 76F 98987 00, 76F 98988 00,
76F 98989 00, 76F 149459 00, 76F 149460 00, 76F 149461 00, 76F 149462 00,
76F 149463 00, 76F 149464 00, 76F 149465 00

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76M 94404-01 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: CONFEDERATED SALISH & KOOTENAI TRIBES
C/O TRIBAL CHAIRMAN
PO BOX 278
PABLO, MT 59855

MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS
PO BOX 200701
HELENA, MT 59620-0701

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: DECEMBER 11, 1904

Enforceable Priority Date: DECEMBER 11, 1904

Purpose (use): INSTREAM FISHERY

Maximum Flow Rate: 833.00 CFS

FOR ANY ANALYSIS OF THE LEGAL AVAILABILITY OF WATER IN BASINS 76F
(BLACKFOOT RIVER), 76G (CLARK FORK RIVER ABOVE BLACKFOOT RIVER),
76E (ROCK CREEK, TRIBUTARY OF THE CLARK FORK RIVER), AND 76GJ (FLINT
CREEK), THIS RIGHT SHALL BE CONSIDERED CONJOINED TO WATER RIGHT
76M 94404-02, TO HAVE A CUMULATIVE YEAR-ROUND FLOW RATE OF 2000 CFS
AS MEASURED BELOW THE CONFLUENCE OF THE CLARK FORK AND
BLACKFOOT RIVERS AT THE LOCATION OF USGS GAGE #12340500 ABOVE
MISSOULA (46°52'38"N, 113°55'53"W, NAD27) (NWNWNW SEC19 T13N R18W).

THE ENFORCEABLE LEVELS OF THIS WATER RIGHT ARE INDIVIDUAL FOR
EACH CALENDAR DAY OF THE YEAR AND ARE IDENTIFIED IN THE TECHNICAL
REPORT FILED WITH THIS WATER RIGHT (SEE APPENDIX 30). THE MINIMUM
ENFORCEABLE LEVEL OF THIS RIGHT IS 500 CFS AND THE MAXIMUM
ENFORCEABLE LEVEL OF THIS WATER RIGHT IS 833 CFS.

CALL MAY BE INITIATED ON THE DAY FOLLOWING A FIVE-CONSECUTIVE-DAY
PERIOD WHERE FOUR OUT OF FIVE AVERAGE DAILY RIVER FLOWS FALL
BELOW THEIR RESPECTIVE DAILY ENFORCEABLE VALUES; CALL MAY PERSIST
UNTIL SUCH TIME AS TWO AVERAGE DAILY FLOWS OF THE PREVIOUS FIVE-
CONSECUTIVE-DAY-PERIOD ARE IN EXCESS OF THEIR RESPECTIVE DAILY
ENFORCEABLE VALUES.

ENFORCEABLE LEVELS OF THIS WATER RIGHT SHALL BE MEASURED AT THE
USGS GAGE #12334550 LOCATION ON THE MAINSTEM OF THE CLARK FORK
RIVER @ TURAH BRIDGE, MONTANA (46°49'34"N, 113°48'48",NAD27) (NWNWSW
SEC 1 T12N R18W). IF USGS GAGE #12334550 IS DISCONTINUED OR
OTHERWISE RENDERED NONFUNCTIONAL, MEASUREMENTS SHALL BE TAKEN
EITHER AT THIS SAME LOCATION OR AT A POINT DOWNSTREAM AS NEAR AS
REASONABLY PRACTICABLE TO THE CONFLUENCE OF THE CLARK FORK AND
BLACKFOOT RIVERS.

Maximum Volume:

Source Name: CLARK FORK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			1	12N	18W	MISSOULA

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

2			2	12N	18W	MISSOULA
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
3			3	12N	18W	MISSOULA

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

4			7	12N	18W	MISSOULA
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

5			12	12N	18W	MISSOULA
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

6			18	12N	18W	MISSOULA
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

7			21	13N	18W	MISSOULA
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

8			27	13N	18W	MISSOULA
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

9			28	13N	18W	MISSOULA
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

10			34	13N	18W	MISSOULA
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

11			35	13N	18W	MISSOULA
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				1	12N	18W	MISSOULA
2				2	12N	18W	MISSOULA
3				3	12N	18W	MISSOULA
4				7	12N	18W	MISSOULA
5				12	12N	18W	MISSOULA
6				18	12N	18W	MISSOULA
7				21	13N	18W	MISSOULA
8				27	13N	18W	MISSOULA
9				28	13N	18W	MISSOULA
10				34	13N	18W	MISSOULA
11				35	13N	18W	MISSOULA

Remarks:

Remarks:

THE OWNERS OF THIS WATER RIGHT SHALL BE ENTITLED TO MAKE A CALL, IN ACCORDANCE WITH STATE LAW, TO ENFORCE THIS WATER RIGHT ONLY AGAINST JUNIOR WATER RIGHTS IN BASINS 76G (CLARK FORK ABOVE BLACKFOOT RIVER), 76E (ROCK CREEK, TRIBUTARY TO THE CLARK FORK), AND 76GJ (FLINT CREEK), THAT:

1) HAVE A PRIORITY DATE EARLIER THAN THE DATE ON WHICH THE RATIFICATION BY THE MONTANA LEGISLATURE OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH & KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA TAKES EFFECT UNDER STATE LAW, HAVE A PURPOSE OF IRRIGATION AND WHOSE SOURCE OF SUPPLY IS SURFACE WATER;

2) HAVE A PRIORITY DATE EARLIER THAN THE DATE ON WHICH THE RATIFICATION BY THE MONTANA LEGISLATURE OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH & KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA TAKES EFFECT UNDER STATE LAW, AND HAVE A PURPOSE OF IRRIGATION, WHOSE SOURCE OF SUPPLY IS GROUNDWATER AND WHOSE FLOW RATE IS GREATER THAN 100 GALLONS PER MINUTE; OR

3) HAVE A PRIORITY DATE LATER THAN THE DATE ON WHICH THE RATIFICATION BY THE MONTANA LEGISLATURE OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH & KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA TAKES EFFECT UNDER STATE LAW.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH & KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT SHALL NOT BE EXERCISED IN CONJUNCTION WITH ANY ARTIFICIAL DIVERSION.

THE ABILITY TO ENFORCE THIS RIGHT SHALL BE SUSPENDED FOR A PERIOD OF 10 YEARS FROM THE DATE THE RATIFICATION OF THIS COMPACT BY THE MONTANA LEGISLATURE BECOMES EFFECTIVE UNDER STATE LAW.

THE DESIGNATION OF A PLACE OF USE OF THIS WATER RIGHT IS A DESIGNATION FOR PURPOSES OF MEASUREMENT OF THE ENFORCEABLE LEVELS AND IS NOT A GEOGRAPHIC LIMITATION ON THE LOCATION OF JUNIOR WATER RIGHTS AGAINST WHOM THIS RIGHT MAY BE ENFORCED.

THE PLACE OF USE OF THIS WATER RIGHT INCLUDES THE REACH OF THE CLARK FORK RIVER STARTING JUST ABOVE THE CONFLUENCE OF THE CLARK FORK AND BLACKFOOT RIVERS (46°52'17"N, 113°53'16", NAD27) (NESWNW SEC 21 T13N R18W) AND EXTENDING UPSTREAM TO THE CONFLUENCE OF THE CLARK FORK RIVER AND ALLEN CREEK (46°47'47"N, 113°47'0", NAD27) (SENWSE SEC 18 T12N R17W).

WATER RIGHT 76M 94404-00 HAS BEEN CHANGED FROM HYDROPOWER GENERATION TO INSTREAM FISHERY AND SPLIT INTO WATER RIGHTS 76M 94404-01 AND 76M 94404-02 BY THE MONTANA LEGISLATURE'S RATIFICATION OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH & KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA. 76M 94404-00 CAN NO LONGER BE CHANGED.

76M 94404-01 & 76M 94404-02 ARE NONCONSUMPTIVE INSTREAM WATER RIGHTS AND THE PURPOSES AND INSTREAM PLACES OF USE CANNOT BE CHANGED.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76M 94404-02 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners:

CONFEDERATED SALISH & KOOTENAI TRIBES
C/O TRIBAL CHAIRMAN
PO BOX 278
PABLO, MT 59855

MONTANA, STATE OF DEPT OF FISH WILDLIFE & PARKS
PO BOX 200701
HELENA, MT 59620-0701

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

ALL COMMUNICATION SHALL BE COPIED TO THE CS&KT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278

Priority Date: DECEMBER 11, 1904

Enforceable Priority Date: DECEMBER 11, 1904

Purpose (use): INSTREAM FISHERY

Maximum Flow Rate: 1,167.00 CFS

FOR ANY ANALYSIS OF THE LEGAL AVAILABILITY OF WATER IN BASINS 76F
(BLACKFOOT RIVER), 76G (CLARK FORK RIVER ABOVE BLACKFOOT RIVER),
76E (ROCK CREEK, TRIBUTARY OF THE CLARK FORK RIVER). AND 76GJ (FLINT
CREEK), THIS RIGHT SHALL BE CONSIDERED CONJOINED TO WATER RIGHT
76M 94404-01, TO HAVE A CUMULATIVE YEAR-ROUND FLOW RATE OF 2000 CFS
AS MEASURED BELOW THE CONFLUENCE OF THE CLARK FORK AND
BLACKFOOT RIVERS AT THE LOCATION OF USGS GAGE #12340500 ABOVE
MISSOULA (46°52'38"N, 113°55'53"W, NAD27) (NWNWNW SEC19 T13N R18W).

THE ENFORCEABLE LEVELS OF THIS WATER RIGHT ARE INDIVIDUAL FOR
EACH CALENDAR DAY OF THE YEAR AND ARE IDENTIFIED IN THE TECHNICAL
REPORT FILED WITH THIS WATER RIGHT (SEE APPENDIX 30). THE MINIMUM
ENFORCEABLE LEVEL OF THIS RIGHT IS 700 CFS AND THE MAXIMUM
ENFORCEABLE LEVEL OF THIS WATER RIGHT IS 1,167 CFS.

CALL MAY BE INITIATED ON THE DAY FOLLOWING A FIVE-CONSECUTIVE-DAY-
PERIOD WHERE FOUR OUT OF FIVE AVERAGE DAILY RIVER FLOWS FALL
BELOW THEIR RESPECTIVE DAILY ENFORCEABLE VALUES; CALL MAY PERSIST
UNTIL SUCH TIME AS TWO AVERAGE DAILY FLOWS OF THE PREVIOUS FIVE-
CONSECUTIVE-DAY-PERIOD ARE IN EXCESS OF THEIR RESPECTIVE DAILY
ENFORCEABLE VALUES.

ENFORCEABLE LEVELS OF THIS WATER RIGHT SHALL BE MEASURED AT THE
USGS GAGE #12340000 LOCATION ON THE MAINSTEM OF THE BLACKFOOT
RIVER @ BONNER, MONTANA (46°53'59"N, 113°45'20",NAD27) (SESENW SEC 9
T13N R17W). IF USGS GAGE #12340000 IS DISCONTINUED OR OTHERWISE
RENDERED NONFUNCTIONAL, MEASUREMENTS SHALL BE TAKEN EITHER AT
THIS SAME LOCATION OR AT A POINT DOWNSTREAM AS NEAR AS
REASONABLY PRACTICABLE TO THE CONFLUENCE OF THE CLARK FORK AND
BLACKFOOT RIVERS.

Maximum Volume:

Source Name: BLACKFOOT RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			2	13N	17W	MISSOULA

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

2			7	13N	17W	MISSOULA
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Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: INSTREAM

Diversion Type: PRIMARY

76M 94404-01 and 76M 94404-02 Technical Documentation

By way of the water rights compact entered into by the Confederated Salish & Kootenai Tribes, the State of Montana, and the United States of America, the former Milltown Dam water right, 76M 94404-00, is hereby split and changed, creating two separate active and enforceable water rights: 76M 94404-01, with a place of use along the reach of the Clark Fork River starting just above the confluence of the Clark Fork and Blackfoot Rivers extending upstream along the Clark Fork River to the confluence of the Clark Fork River and Allen Creek; and 76M 94404-02, with a place of use along the reach of the Blackfoot River starting just above the confluence of the Clark Fork and Blackfoot Rivers and extending along the Blackfoot River upstream to the confluence of the Blackfoot River and the East Fork of Twin Creek. The designation of a place of use of these water rights is a designation for purposes of measurement of the enforceable levels and is not a geographic limitation on the location of junior water rights against whom this right may be enforced.

These water rights maintain the original priority date of December 11, 1904.

The purpose of these water rights is the maintenance and enhancement of fish habitat.

For any analysis of the legal availability of water in basins 76F (Blackfoot River), 76G (Clark Fork above Blackfoot River), 76E (Rock Creek, Tributary to the Clark Fork River), and 76GJ (Flint Creek), these water rights shall be considered conjoined at a combined flow rate of 2,000 CFS for every day of the year, as measured downstream of the confluence of the Clark Fork and Blackfoot Rivers at the location of USGS Gage #12340500 above Missoula (46°52'38"N, 113°55'53"W, NAD27) (NWNWNW SEC 19 T13N R18W).

These water rights shall not be exercised in conjunction with any artificial diversion.

The ability to enforce these water rights shall be suspended for a period of 10 years from the date the ratification by the Montana legislature of the water rights compact entered into by the Confederated Salish & Kootenai Tribes, the State of Montana, and the United States of America, becomes effective under state law.

The enforceable levels of these water rights take the form of static distributions of unique daily flow values, one each for every day of the year for each water right. Call may be initiated on the day following a five-consecutive-day-period where four out of five average daily river flows fall below their respective daily enforceable flow values; call may persist until such time as two average daily flows of the previous five-consecutive-day-period are in excess of their respective daily enforceable flow values.

The details of each water right are described as follows:

Water Right 76M 94404-01: The owners of these water rights shall be entitled to make a call, in accordance with state law, to enforce water right number 94404-01 only against junior water

76M 94404-01 and 76M 94404-02 Technical Documentation

rights in basins 76G (Clark Fork above Blackfoot River), 76E (Rock Creek, Tributary to the Clark Fork River), and 76GJ (Flint Creek), that:

- 1) Have a priority date earlier than the date on which the ratification by the Montana Legislature of the water rights compact entered into by the Confederated Salish and Kootenai Tribes, the State of Montana, and the United States of America takes effect under state law, have a purpose of irrigation and whose source of supply is surface water;
- 2) Have a priority date earlier than the date on which the ratification by the Montanan Legislature of the water rights compact entered into by the Confederated Salish and Kootenai Tribes, the State of Montana, and the United States of America takes effect under state law, and have a purpose of irrigation, whose source of supply is groundwater and whose flow rate is greater than 100 gallons per minute; or
- 3) Have a priority date later than the date on which the ratification by the Montana Legislature of the water rights compact entered into by the Confederated Salish and Kootenai Tribes, the State of Montana, and the United States of America takes effect under state law.

Enforceable levels of water right 76M 94404-01 shall be measured at USGS gage #12334550 on the mainstem of the Clark Fork River at Turah Bridge, Montana (46°49'34"N, 113°48'48", NAD27) (NWNWSW SEC 1 T12N R18W), unless that USGS gage is discontinued or otherwise rendered nonfunctional at which point measurements shall be taken either at this same location or at a point downstream on the Clark Fork River as near as reasonably practicable to just above, but not below, the confluence of the Clark Fork and Blackfoot Rivers. The enforceable static individual daily flow values are described in Appendix UCF.

Water Right 76M 94404-02: The owners of these water rights shall be entitled to make a call, in accordance with state law, to enforce water right number 94404-02 only against junior water rights in basin 76F (Blackfoot River), that:

- 1) Have a priority date earlier than the date on which the ratification by the Montana Legislature of the water rights compact entered into by the Confederated Salish and Kootenai Tribes, the State of Montana, and the United States of America takes effect under state law, have a purpose of irrigation and whose source of supply is surface water;
- 2) Have a priority date earlier than the date on which the ratification by the Montanan Legislature of the water rights compact entered into by the Confederated Salish and Kootenai Tribes, the State of Montana, and the United States of America takes effect under state law, and have a purpose of irrigation, whose source of supply is groundwater and whose flow rate is greater than 100 gallons per minute; or

76M 94404-01 and 76M 94404-02 Technical Documentation

- 3) Have a priority date later than the date on which the ratification by the Montana Legislature of the water rights compact entered into by the Confederated Salish and Kootenai Tribes, the State of Montana, and the United States of America takes effect under state law.

Enforceable levels of water right 76M 94404-02 shall be measured at the USGS gage #12340000 near Bonner, Montana (46°53'59"N, 113°45'20",NAD27) (SESENW SEC 9 T13N R17W), unless that USGS gage is discontinued or otherwise rendered nonfunctional at which point measurements shall be taken either at this same location or at a point downstream on the Blackfoot River as near as reasonably practicable to just above, but not below, the confluence of the Clark Fork and Blackfoot Rivers. The enforceable static individual daily flow values are described in Appendix BF.

76M 94404-01 and 76M 94404-02 Technical Documentation

Appendix UCF

Enforceable Daily Flows for 76M 94404-01 on the Clark Fork @ Turah Bridge, MT												
Day	Month											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	500	515	561	727	833	833	735	503	500	512	654	560
2	500	518	568	731	833	833	727	501	500	516	655	553
3	500	521	573	733	833	833	718	500	500	521	655	550
4	500	524	582	734	833	833	710	500	500	527	656	547
5	500	522	592	736	833	833	707	500	500	534	657	544
6	500	520	602	741	833	833	705	500	500	540	657	542
7	500	520	611	744	833	833	703	500	500	548	658	538
8	500	520	618	747	833	833	702	500	500	556	659	534
9	500	519	627	752	833	833	699	500	500	566	659	529
10	500	518	633	760	833	833	695	500	500	577	660	524
11	500	518	641	768	833	833	689	500	500	587	659	520
12	500	519	651	775	833	833	680	500	500	597	659	516
13	500	520	660	780	833	833	672	500	500	607	656	513
14	503	524	667	785	833	833	663	500	500	617	654	511
15	503	527	669	791	833	833	653	500	500	625	651	509
16	503	527	673	796	833	833	644	500	500	631	645	509
17	503	527	676	801	833	832	635	500	500	636	639	509
18	503	526	676	804	833	831	622	500	500	641	633	509
19	506	524	678	807	833	828	610	500	500	645	629	509
20	509	524	681	812	833	822	598	500	500	649	625	508
21	509	520	682	818	833	815	588	500	500	652	621	507
22	509	522	685	822	833	808	573	500	500	654	617	506
23	509	523	687	824	833	799	559	500	500	656	613	503
24	511	523	689	827	833	790	546	500	500	657	608	500
25	511	524	692	831	833	782	535	500	500	658	603	500
26	511	527	695	833	833	775	526	500	500	656	596	500
27	511	534	701	833	833	767	519	500	501	655	589	500
28	513	542	706	833	833	759	514	500	502	655	583	500
29	514	552	710	833	833	749	511	500	505	654	575	500
30	514		715	833	833	741	507	500	508	654	568	500
31	514		720		833		504	500		654		500

76M 94404-01 and 76M 94404-02 Technical Documentation

Appendix BF

Enforceable Daily Flows for 76M 94404-02 on the Blackfoot @ Bonner, MT												
Day	Month											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	700	700	700	700	1,167	1,167	1,041	700	700	700	700	700
2	700	700	700	700	1,167	1,167	1,022	700	700	700	700	700
3	700	700	700	700	1,167	1,167	1,001	700	700	700	700	700
4	700	700	700	700	1,167	1,167	982	700	700	700	700	700
5	700	700	700	700	1,167	1,167	961	700	700	700	700	700
6	700	700	700	704	1,167	1,167	943	700	700	700	700	700
7	700	700	700	713	1,167	1,167	923	700	700	700	700	700
8	700	700	700	723	1,167	1,167	902	700	700	700	700	700
9	700	700	700	733	1,167	1,167	878	700	700	700	700	700
10	700	700	700	747	1,167	1,167	856	700	700	700	700	700
11	700	700	700	765	1,167	1,167	836	700	700	700	700	700
12	700	700	700	788	1,167	1,167	817	700	700	700	700	700
13	700	700	700	815	1,167	1,167	799	700	700	700	700	700
14	700	700	700	843	1,167	1,167	782	700	700	700	700	700
15	700	700	700	870	1,167	1,167	766	700	700	700	700	700
16	700	700	700	898	1,167	1,166	752	700	700	700	700	700
17	700	700	700	925	1,167	1,164	741	700	700	700	700	700
18	700	700	700	953	1,167	1,161	732	700	700	700	700	700
19	700	700	700	980	1,167	1,156	723	700	700	700	700	700
20	700	700	700	1,008	1,167	1,151	717	700	700	700	700	700
21	700	700	700	1,035	1,167	1,145	711	700	700	700	700	700
22	700	700	700	1,062	1,167	1,142	707	700	700	700	700	700
23	700	700	700	1,086	1,167	1,136	703	700	700	700	700	700
24	700	700	700	1,104	1,167	1,129	701	700	700	700	700	700
25	700	700	700	1,122	1,167	1,120	700	700	700	700	700	700
26	700	700	700	1,139	1,167	1,111	700	700	700	700	700	700
27	700	700	700	1,153	1,167	1,101	700	700	700	700	700	700
28	700	700	700	1,162	1,167	1,089	700	700	700	700	700	700
29	700	700	700	1,166	1,167	1,075	700	700	700	700	700	700
30	700		700	1,167	1,167	1,059	700	700	700	700	700	700
31	700		700		1,167		700	700		700		700

**FWP WATER PURCHASE CONTRACT
PAINTED ROCKS**

This Contract ("Contract") is made and entered on this 12th day of July, 2004 between the Montana Department of Natural Resources and Conservation ("DNRC") and the Montana Department of Fish, Wildlife, & Parks ("FWP"), both executive branch agencies of the State of Montana.

1. Parties: The DNRC owns the Painted Rocks Water Conservation Project ("Project"), which includes a dam and reservoir on the West Fork of the Bitterroot River in Ravalli County, Montana. The DNRC also owns the underlying rights to the water diverted and stored by the Project and sells the right to use the water for irrigation and fish and wildlife. FWP is responsible for the preservation and propagation of fish in Montana.

2. Purpose: This Contract establishes the terms and conditions under which the DNRC shall sell Project water to FWP for enhancing stream flows for the preservation and propagation of fish in the West Fork and mainstem of the Bitterroot River.

3. Water Quantity: The quantity of water purchased under this Contract shall be 10,000 acre-feet annually. Depending on availability, the DNRC shall deliver this quantity of Project water to FWP, at the reservoir outlet, beginning May 1 and ending September 30. DNRC shall honor FWP's legal calls for contract water during this period. DNRC will make its best effort to respond to requested releases within five days. If, because of physical, climatic, or operating conditions, or because of repair or maintenance considerations, the DNRC is unable to fill outstanding water purchase contracts for that year, the FWP shall be entitled to its pro rata share of the water available. FWP's pro rata share under this contract shall be two-fifths as determined by the ratio of the Contract quantity (10,000 acre-feet) to the total amount of water that DNRC currently sells from the Project annually (25,000 acre-feet).

4. Right, Title and Interest in the Project: Except as provided in Section 4(a), below, all right, title, and interest in and to the Project and the associated water rights shall be and remain with DNRC. Except for the right to use water under this Contract and except as provided in Section 4(a) below, FWP shall acquire no right, title or interest in the Painted Rocks Project or the water rights. FWP shall acquire no rights or equities under this Contract that will in any manner prejudice the right of DNRC to terminate this Contract if all reasonable efforts by the parties and others cannot generate adequate funding for rehabilitation and repairs to keep the Project operational, provided that such a decision by DNRC to terminate will not preclude the water rights transfer described in subsection (a) of this section.

(a.) **End of Project Life.** If the Project reaches the end of its useful life as a storage reservoir, DNRC or its successor agency, if any, shall transfer the portion of DNRC's water right associated with the Project (referred to as water right #76H-W-119795, as of the date of this signing) representing the relevant flow and volume of the 10,000 acre-feet of water under this Contract to FWP ownership.

(b.) **New Project.** If FWP acquires the rights to 10,000 acre feet pursuant to conditions stated in Section 4(a) above, and DNRC or its successor agency, if any, constructs any other water storage facility located upstream from the United States Geological Survey gauging station on the Bitterroot River near Darby, Montana, No. 1234400, located approximately 3 miles below the confluence of the East and West Forks of the Bitterroot River, at Latitude 45° 58' 20", Longitude 114° 08' 26" in SW1/4, SE1/4, NE ¼, sec. 36, T.3 N., R. 21 W., Ravalli County, Hydrologic Unit 17010205, at approximately river mile 77.2, DNRC or its successor agency will provide FWP with the option to transfer the 10,000 acre feet of the water right described in

Section 4(a) above to a purchase of that amount of contract water in the new facility. As with Painted Rocks, this contract water shall be available for release upon call by FWP. This option shall have priority over the marketing of water in the new facility to new potential purchasers, and FWP shall have first right of refusal of contract terms for that water.

5. Deposits and Payments: Payments under this Contract are to allow the DNRC to recoup the cost of original construction, and pay DNRC for the costs of operating the Project and keeping the Project operational. FWP will share these costs with the other users of Project water at a per-acre-foot cost not exceeding that paid by other Project water purchasers. For operations and periodic repairs, FWP's cost share shall be 50%. For rehabilitation of major components (per section 5(c) of this Contract) FWP's cost share shall be 60%. Cost shares apply only to that portion of a repair or rehabilitation that is paid for by the water users. Both Parties recognize that this Project will be facing repairs and rehabilitations that will greatly exceed the amounts provided for in this Contract and the other water purchase contracts. Upon DNRC determination that rehabilitation is necessary, DNRC and FWP will work together in partnership and with others to secure the funds beyond those committed in this Contract that will be necessary to keep the Project safe and operational.

(a) **Original Construction.** FWP shall pay its share of the cost of original construction at a rate of \$0.31 per acre-foot per year for 40 years. This payment shall be made annually, on or before April 1 of every year.

(b) **Operation, Maintenance, and Periodic Repairs.**

(i.) FWP shall pay DNRC a rate of \$1.50 per acre-foot per year to cover FWP's share of operations and maintenance for the year. This payment will be made annually on

or before April 1. If FWP's payment exceeds the proportional amount needed to cover operation and maintenance costs in any given year, DNRC shall reduce FWP's O&M obligation in the following year by the amount exceeded.

(ii.) FWP shall earmark \$100,000 within its Fish and Wildlife Mitigation Trust Fund for Periodic Repairs to cover FWP's share of Painted Rocks repairs that are in excess of routine annual operation and maintenance. DNRC shall report annually before November 1 to the water users, including FWP, of any periodic repairs anticipated for the following year and shall provide the water users with an opportunity to propose mutually acceptable alternatives before issuing a final billing. Unless the water users propose mutually acceptable alternatives by January 1 following the November report, FWP shall pay the estimated repair cost share on or before April 1.

(iii.) The payment and earmark described in subsections 5b(i) and 5b(ii) shall satisfy FWP's obligation for operations, maintenance, and repair during the first ten years of this agreement.

- (1) At the end of ten years, DNRC shall apply the Consumer Price Index as defined by the U.S. Bureau of Labor Statistics to the amount described in subsection 5b(i) to determine an adjustment in the amount of the O&M payment. The starting CPI value from which changes in the CPI shall be for the reference period 2004; the ending value shall be for the reference period 2113; DNRC shall use CPI-U for the West Region, for all items with an index base period of 1982-84=100. The change in the O&M payment shall be directly

proportional to the change in the CPI as calculated by the following formula:

$$\frac{(\text{CPI for 2113}) - (\text{CPI for 2004})}{(\text{CPI for 2004})} \times 100$$

At the end of each successive ten-year period, the parties shall revisit the O&M payment and adjust contributions according to this formula, adjusting the reference periods accordingly.

- (2) At the end of the first ten years from the date of signature of this Contract, the parties shall assess the funding needs for periodic repairs, based on engineering projections of future repair needs, and, if necessary, negotiate a different amount for the following ten years. At the end of each successive ten-year period thereafter, the parties shall revisit the periodic repair account and adjust contributions accordingly. If the need for repairs large enough to exceed the amount described in subsection b(ii) unexpectedly arises during any ten-year period, DNRC will notify FWP and the parties will meet to discuss how to finance the repairs.

(c.) Rehabilitation of Major Project Components.

(i.) Upon FWP's receipt of a single payment of \$400,000 from the Bonneville Power Administration, FWP shall deposit that payment into its Fish and Wildlife Mitigation Trust Fund and earmark \$300,000 as an interest-bearing Reserve Fund, the principal and growth of which shall be available for the rehabilitation of major project

components. For the purpose of this contract, rehabilitation of a major project component is defined as, any replacement or substantial modification that is intended to restore the component to like-new condition. Major project components include the embankment, stilling basin, outlet conduit, gate chamber and intake structure. Any amount remaining in the reserve account established in the water purchase contract that was executed in 1992 between the parties shall also be deposited in the reserve fund. This reserve fund with these deposits shall fulfill FWP's obligation to contribute to the reserve account for at least twenty years from the date of signature of this Contract.

(ii.) FWP shall pay for its share of rehabilitation of major project components out of this account. As feasibility studies are completed on proposed rehabilitation of major components, DNRC will share with FWP the results of the feasibility study, and if the feasibility study indicates that the cost of the rehabilitation will deplete the reserve account, DNRC and FWP shall negotiate in good faith with each other, with any other Project water purchasers, and with other beneficiaries of the Project, to develop a plan for fully funding the rehabilitation of major project components.

(iii.) One year before the twentieth anniversary of the signature of this Contract, the parties shall meet to review the extent to which the rehabilitation of major project components has depleted the reserve fund, and to project, to the extent it is possible, the future rehabilitation needs of the project. Based upon the projections, if the parties determine that it will be necessary to replenish the reserve fund, they shall negotiate the amount and method by which FWP will renew contributions to the reserve fund.

(d.) **Emergencies.** The Project dam is a High Hazard Dam as defined by the Montana Dam Safety Act. Consequently, any repairs that might affect the integrity of the

structure will have to be made or operations altered to protect life and property.

Although DNRC will use its best efforts to avoid emergencies through adequate investigation and planning, emergency circumstances may arise without notice. For such emergencies, the DNRC will cause the needed repairs to be made and assess FWP for its share as soon as practical after the costs are known. The DNRC's determination of the additional costs shall be final. If emergency repair costs exceed the available repair and rehabilitation funds, the parties shall meet to discuss how to finance the repairs.

6. Safety: The DNRC, as owner of the Project, shall continue to be responsible for compliance with Montana Dam Safety Act for the Project and will conduct the necessary periodic safety inspections at no cost to FWP. However, safety shall be considered integral to operation and maintenance of the Project and a necessary cost of the water.

7. Termination: When major repair or rehabilitation to the Project is required for compliance with the Montana Dam Safety Act and the proposed repairs will deplete or exceed available repair and rehabilitation funds, DNRC and FWP will negotiate in good faith and with other water users and beneficiaries of Painted Rocks water to develop a funding plan for major repair and rehabilitation. If agreement cannot be reached, either party may terminate the Contract. Termination will not affect any past due charges or debt. Upon termination, FWP shall forward to DNRC a prorated share of the unexpended \$300,000 of rehabilitation funds committed through this contract described in section 5(c)(i). FWP shall calculate the prorated amount to be forwarded by the following equation:

$$[[A * (B/C)] - D] + E; \text{ where}$$

A = amount of reserve fund commitment

B = # of years contract in effect

C = # of years of reserve fund commitment

D = amount of rehabilitation funds expended

E = accumulated interest applicable to reserve funds as prorated above

Example:

Assuming:

- 1) the starting reserve amount in 2004 is \$300,000
- 2) this contract was in effect for 5 years,
- 3) the rehabilitation commitment is for 20 years,
- 4) \$50,000 of the reserve fund had been expended, and
- 5) $[(A * (B/C)) - D]$ generated \$2,300 in accumulated interest,

the relevant calculation would be:

$$[(\$300,000 * (5/20)) - \$50,000] + \$2,300 = \$27,300 \text{ due to DNRC}$$

In addition, any amount remaining in the reserve account established in the water purchase contract that was executed in 1992 plus interest shall be forwarded to DNRC upon termination of this contract.

8. Priority: FWP shall have no preference or priority to receive water from the Project in advance of other water purchasers who have entered into water purchase contracts for water from the Project. All Project water purchasers shall have an equal and ratable right to water in accordance with respective amounts to which they are entitled under their water purchase contracts.

9. Billing procedures: DNRC will send FWP one annual bill with annual costs itemized per this Contract. Annual and periodic assessments will be sent to:

FWP PAINTED ROCKS WATER PURCHASE CONTRACT

Department of Fish, Wildlife & Parks

Attn: Water Resources Program

Fisheries Division

P.O. Box 200701

Helena, MT 59620-0701

FWP payments under this contract will be sent to:

Department of Natural Resources and Conservation

Attn: Central Services Division

P.O. Box 201601

Helena, MT 59620-1601

10. Term: The term of this Contract shall be for the useful life of the Project as extended by any repairs and rehabilitation.

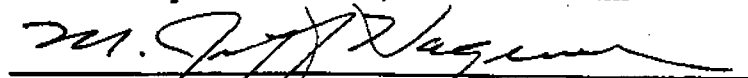
11. Successors and Assigns: The provisions of this Contract shall apply to and bind the successors and assigns of the respective parties.

12. Existing Contracts: This Contract supercedes and replaces a previous Water Purchase Contract between the DNRC and FWP entered on December 3, 1992 and is separate from another contract held by FWP for 5000 acre-feet of water dated March 5, 1958.

The Department of Fish, Wildlife, and Parks, the Water Purchaser, and the Department of Natural Resources and Conservation, the Water Seller, by their signatures below have caused this Water Purchase Contract for the Painted Rocks Water Conservation Project to be executed on this 12th day of July, 2004.

WATER PURCHASER

Montana Department of Fish, Wildlife and Parks


(M. Jeff Hagener, Director)

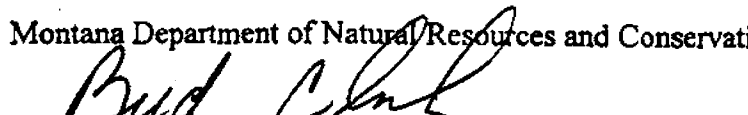
Approved for Legal Content:



Robert Lane, Chief Legal Counsel

WATER SELLER

Montana Department of Natural Resources and Conservation


(Bud Clinch, Director)

WATER PURCHASE CONTRACT

This contract dated as of the 5th day of March, 1958, between the State Water Conservation Board of the State of Montana duly created, authorized and acting, under and by virtue of the Laws of Montana, hereinafter called the "Board", and the Fish and Game Commission of the State of Montana, Ravalli County Fish and Wildlife Association and Western Montana Fish and Game Association, hereinafter called the "water purchasers",

WITNESSETH

WHEREAS, the Board has constructed an irrigation and flood control project (herein called the "Project") comprising the construction of a dam and the creation of a reservoir in Ravalli County, Montana; and

WHEREAS, the Board has acquired the right to store, control and/or divert all unappropriated water of West Fork of the Bitterroot River, Ravalli County, Montana, pursuant to declaration filed in Volume 11 of Miscellaneous Records, on page 76, and amendatory declarations filed in the office of the County Clerk and Recorder of Ravalli County, Montana; and

WHEREAS, it is agreed by the parties hereto that the total waters to which the Board is entitled will be at least sufficient to permit the operation of said project at its full capacity so that 32,000 acre feet of water can be made available annually and the purchasers recognize the right of the Board to impound all of the aforesaid waters; and

WHEREAS, the water purchasers desire a continuous flow of water in the Bitterroot River in an amount sufficient to maintain fish life and it having been determined by the water purchasers that an annual release of 5,000 acre feet of storage water in quantities and at times when stream flow of the river is being depleted by irrigation diversions or during low flow periods will be sufficient to provide an adequate flow in all sections of the river to maintain fish life.

NOW, THEREFORE, in consideration of the premises and of the mutual terms, covenants and conditions hereof, it is mutually covenanted and agreed as follows:

Section 1. The Board will furnish to the water purchasers, at the reservoir comprising the project, five thousand acre feet of water annually, provided, however, that in the event that from time to time thereafter the Board shall have an inadequate amount of water from the Project to permit the furnishing of the number of acre feet of water in any year for which there are such outstanding water purchase contracts, the water purchasers in such year shall be entitled, in lieu of each acre foot of water for which they have contracted, to a share of the total water available representing the proportion that one acre foot of water annually bears to 32,000 acre feet of water annually or (but only if there are outstanding water purchase contracts for the purchase annually of more than said amount of water) to the total number of acre feet of water agreed to be purchased annually under outstanding water purchase contracts. The distribution of such proportionate shares to the water purchasers during such year shall constitute a complete performance in said year of the obligation of the Board to deliver the number of acre feet of water for which said water purchasers have contracted. The Board agrees not to make contracts for the sale of more than 32,000 acre feet of water from the Project annually except to the extent that the storage capacity of the Project may be increased is in excess of said amount.

Section 2. The water purchasers shall pay to the Board the sum of One hundred ten thousand four hundred dollars on April 1, 1958. On April 1, 1958, and on April 1 of each and every year thereafter during the useful life of the Project, the water purchasers also shall pay to the Board Five hundred dollars (\$500.00) for their proportionate share of the amount of the operating costs of the Project for the year following respectively each said April 1.

Section 3. All moneys required to be paid by the water purchasers to the Board hereunder shall be paid at Helena, Montana. Every sum of money required to be paid hereunder, which shall remain unpaid after the same becomes due, shall bear interest at the rate of six per centum per annum.

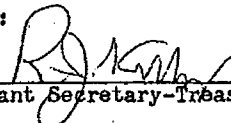
Section 4. In the event that the water purchasers shall default in the payment of any of the sums when and as same shall become due and payable hereunder or shall default in the performance of any other obligations hereunder, and such default shall continue for a period of 45 days, then and in any such event, the Board may in its discretion take any or all of the following action: (a) cease and refuse to furnish water to the water purchasers until such default and all other defaults subsequently occurring shall be cured, it being agreed that the withholding of water from the water purchasers in accordance with the provisions hereof shall not affect the obligations of the water purchasers accruing during the period when water is withheld, or the obligations of the water purchasers then due or thereafter accruing hereunder; (b) terminate the rights of the water purchasers under this water purchase contract, it being agreed that such action shall not prejudice the right of the Board to collect all moneys then owing by the water purchasers under said water purchase contract.

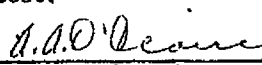
Section 5. It is expressly understood that all the right, title and interest in and to the Project and the water rights exercised in connection therewith shall be and remain in the Board, and that the water purchasers shall acquire no right, title or interest in the Project or such water rights. It is understood that without regard to priority in the execution of this water purchase contract, or priority in the use of water hereunder or any other reason, the water purchasers under this contract shall have no preference or priority entitling them to receive water from the Project in advance of other water purchasers who have entered into water purchase contracts for water from the Project, all such water purchasers to have an equal and ratable right to water in accordance with the respective amounts to which they are entitled under their respective water purchase contracts.

Section 6. The water purchasers agree that they will on April 1 of each year appoint and authorize one person to be their agent in handling all matters in relation to the stored water purchased hereunder, and to notify the Board in writing of such appointment. In the event a replacement of such appointee becomes necessary the water purchasers will immediately notify the Board in writing of his successor. The Board shall accept orders, (which orders shall be in writing on forms provided by the Board) only from the said appointed agent for the release of the stored water purchased hereunder in quantities and times at delivery points on the Bitterroot River designated by said agent. The Board will each year designate a person in or about Hamilton, Montana, to act as its agent for receiving such orders.

Section 7. The provisions of this contract shall apply to and bind the successors and assigns of the respective parties, but the water purchaser shall make no assignment of this contract without the written consent of the Board.

IN WITNESS WHEREOF, the State Water Conservation Board has caused this contract to be executed in its corporate name by its Vice Chairman and attested by its Secretary and Treasurer and has caused its corporate seal to be affixed hereto, and the Fish and Game Commission, State of Montana, Ravalli County Fish and Wildlife Association and Western Montana Fish and Game Association, have hereunto set their hands and seals all on the day and year first above written.

Attest:

Assistant Secretary-Treasurer

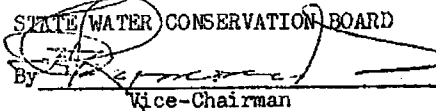
Attest:

Secretary

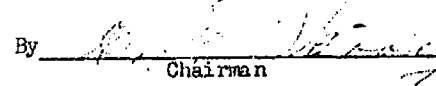
Attest:

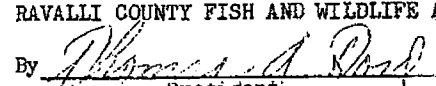
Secretary

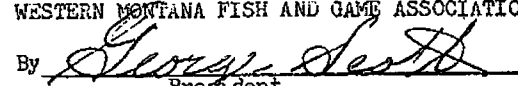
Attest:

Secretary

STATE WATER CONSERVATION BOARD
By 
Vice-Chairman

STATE OF MONTANA, FISH AND GAME COMMISSION
By 
Chairman

RAVALLI COUNTY FISH AND WILDLIFE ASSOCIATION
By 
President

WESTERN MONTANA FISH AND GAME ASSOCIATION
By 
President

WATER PURCHASERS

AMENDMENT TO WATER PURCHASE AGREEMENT

THIS AMENDMENT TO CONTRACT, dated as of the 5th day of March, 1958, between the State Water Conservation Board of the State of Montana, duly created, authorized and acting, under and by virtue of the Laws of the State of Montana, hereinafter called the "Board", and the Fish and Game Commission of the State of Montana, Ravalli County Fish and Wildlife Association and Western Montana Fish and Game Association, hereinafter called the "water Purchasers",

WITNESSETH:

WHEREAS, a water purchase contract has been submitted to the parties above named, and the Ravalli County Fish and Wildlife Association and the Western Montana Fish and Game Association, parties thereto have signed the said water purchase agreement, subject, only, to the acceptance of this amendatory contract by the other parties thereto, which they understand is acceptable and which they believe will clarify the provisions thereof.

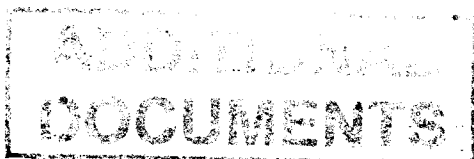
NOW THEREFORE, it is agreed that the provisions of said contract shall be in full force and effect for all purposes excepting, only, that the following amendments shall be made thereto;

1. In paragraph Four (4) thereof, immediately preceding the "NOW, THEREFORE" the word "DETERMINED" is hereby changed to "ESTIMATED".

2. Section Four (4) thereof is hereby amended by striking out paragraph "B" thereof, to make said paragraph read as follows:

In the event that the water purchasers shall default in the payment of any of the sums when and as same shall become due and payable hereunder or shall default in the performance of any other obligations hereunder, and such default shall continue for a period of 45 days, then and in any such event, the Board may in its discretion cease and refuse to furnish water to the water purchasers until such default and all other defaults subsequently occurring shall be cured, it being agreed that the withholding of water from the water purchasers in accordance with the provisions hereof shall not affect the obligations of the water purchasers accruing during the period when water is withheld, or the obligations of the water purchasers then due or thereafter accruing hereunder.

3. Section 6 thereof is hereby amended to add thereto, immediately preceding the last sentence thereof "it being understood that



the water purchasers are entitled to the delivery of 5,000 acre feet of storage water at the confluence of the Bitterroot River and the Clarks Fork River ", to make said paragraph read as follows:

"The water purchasers agree that they will on April 1 of each year appoint and authorize one person to be their agent in handling all matters in relation to the stored water purchased hereunder, and to notify the Board in writing of such appointment. In the event a replacement of such appointee becomes necessary, the water purchasers will immediately notify the Board in writing of his successors. The Board shall accept orders, (which orders shall be in writing on forms provided by the Board) only from the said appointed agent for the release of the stored water purchased hereunder, in quantities and times at delivery points on the Bitterroot River designated by said agent, it being understood that the water purchasers are entitled to the delivery of 5,000 acre feet of storage water at the confluence of the Bitterroot River and the Clarks Fork River. The Board will each year designate a person in or about Hamilton, Montana, to act as its agent for receiving such orders.

IN WITNESS WHEREOF, the State Water Conservation Board has caused this contract to be executed in its corporate name by its Vice Chairman and attested by its Secretary and Treasurer and has caused its corporate seal to be affixed hereto, and the Fish and Game Commission, State of Montana, Ravalli County Fish and Wildlife Association and Western Montana Fish and Game Association, have hereto set their hands and seals all on the day and year first above written.

Attest:

R. J. Kuhn
Assistant Secretary-Treasurer

STATE WATER CONSERVATION BOARD

By *[Signature]*

Vice Chairman

Attest:

A. D. O'Leary
Secretary

STATE OF MONTANA
FISH AND GAME COMMISSION

By *[Signature]*

Chairman

Attest:

Secretary

RAVALLI COUNTY
FISH AND WILDLIFE ASSOCIATION

By *[Signature]*

President

Attest:

Secretary

WESTERN MONTANA
FISH AND GAME ASSOCIATION

By *[Signature]*

President

WATER PURCHASERS

AGREEMENT BETWEEN THE
MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS
AND THE
UNITED STATES DEPARTMENT OF INTERIOR, BUREAU OF RECLAMATION
FOR THE
ENLARGEMENT OF COMO DAM

Under the authority of Public Laws 95-578 and 98-404, the
Reclamation Safety of Dams Act and Amendment.

Montana Department of Fish, Wildlife and Parks - under the
authority of Section 87-1-201, MCA, 1993

This agreement is made and entered into by and between the Montana Department of Fish, Wildlife and Parks, acting by and through its Director, hereinafter referred to as Fish, Wildlife and Parks, and the U.S. Department of Interior, Bureau of Reclamation, acting by and through the Regional Director, Pacific Northwest Region, Boise, Idaho, hereinafter referred to as Reclamation. The purpose of this agreement is to provide for the funding, design, construction, and operation of an enlarged storage pool in Lake Como by raising the active storage level of the reservoir by 3.3 feet and to use the increased storage for instream flow purposes and recreation.

WITNESSETH THAT:

WHEREAS, Reclamation has performed major reconstruction of the embankment at Como Dam to correct serious Safety of Dams deficiencies, and

WHEREAS, Safety of Dams modifications to Como Dam spillway, outlet tower, and site features are scheduled for construction beginning in the summer of 1994, and

WHEREAS, Safety of Dams legislation (Public Laws 95-578 and 98-404) prohibits funding under the Acts of additional project benefits during modifications to resolve safety problems but directs that all alternatives, both structural and non-structural be evaluated, and

WHEREAS, a chronic shortage of instream flows exists during the summer months in the Bitterroot River downstream from Como Dam, and

WHEREAS, Como Lake is the primary motor boating site in the area and the boating season is usually cut short due to reservoir draw-down, and

WHEREAS, studies indicate that additional water supplies could be available from Rock Creek from an enlargement of Lake Como for enhancement of minimum late-season instream flows in the Bitterroot River, and

WHEREAS, extensive public involvement has identified widespread support from local and state governments, the Bitter Root Irrigation District, and the public for enlarging Lake Como, and

WHEREAS, the State of Montana legislature has authorized funding of \$400,000 for an enlargement of Lake Como, and

WHEREAS, preliminary investigations indicate that a 3.3-foot raise of Como Dam is feasible and a mutual cost savings could be realized from combining the construction of Safety of Dams modifications and an enlargement of Como Dam:

NOW THEREFORE, BE IT RESOLVED, that the parties hereby enter into an agreement, the purpose of which is to provide funding for Reclamation to perform final designs and construction, including construction management,

contract administration and overhead, for an enlargement of Como Dam. Como Dam is owned and operated by the Bitter Root Irrigation District.

Project Title: Como Dam Enlargement
Agreement Number: 1425-4-MA-10-00950

To implement the forgoing, the parties agree as follows:

A. OPERATIONS

1. The enlargement of Lake Como will raise the active storage pool 3.3 feet, from the current active storage level of 4242.7 feet to 4246.0 feet at the crest of the new ogee overflow spillway. The intended purpose of the additional storage in Lake Como will be to enhance instream flows in the Bitterroot River during low flow periods of the year and lengthen the recreational boating season on Como Lake.
2. The additional storage in Lake Como created by the enlargement is 3,037 acre-feet, based on active storage values found in Reclamation's September 1992 area and capacity tables. This pool will be known as the "instream flow reserved storage." (Active capacity at elevation 4246.0 feet is 38,495 acre-feet and 35,458 acre-feet at elevation 4242.7 feet.)
3. The instream flow reserved storage in Lake Como will be operated as follows:
 - a. All water stored in Lake Como above elevation 4242.7 feet, not to exceed 3,037 acre-feet, will be credited and dedicated on an annual basis to instream flow reserved storage.
 - b. Fish, Wildlife and Parks will have the right to call for releases from instream flow reserved storage from July 15 to November 1 of each year.
 - c. The flow to be released will be within standard release practices of the Bitter Root Irrigation District.
 - d. Fish, Wildlife and Parks will provide a minimum of 24 hours notice prior to the release of water from the instream flow reserved storage.
 - e. At the end of the flow augmentation period, July 15 through November 1, all remaining water credited to instream flow reserved storage will revert to the irrigation storage pool within Lake Como.
 - f. No carryover storage will be credited to instream flow reserved storage.
4. Fish, Wildlife and Parks will be notified each year by July 1 as to the amount of water available in the instream flow reserved storage at Lake Como.
5. After receiving a valid request from Fish, Wildlife and Parks, releases to the specified amount and flow will be made from Lake Como within 24 hours.
6. The point of delivery for the instream flow releases during the irrigation season will be Rock Creek at the Bitterroot Irrigation District diversion dam. During the non-irrigation season, the point of delivery will be Como Dam outlet. The instream flow releases will be passed by the diversion dam.
7. Lake Como will be operated in a prudent manner to fill the instream flow reserve storage to the extent possible, while complying fully with any

space requirements based on flood control precautions as outlined in the Standing Operating Procedures for Como Dam.

B. FISH, WILDLIFE AND PARKS WILL:

1. Provide funding up to \$400,000 for the total cost of the project. Up to \$300,000 will be provided to Reclamation for final designs, construction, and construction management for enlarging Como Dam as outlined in this agreement. Up to \$100,000 will be provided to Reclamation or other parties in separate orders for work associated with construction or operation of the enlarged Lake Como, including mitigation for cultural and recreational resources. Availability of project funds is contingent upon the prior approval of the project by the U. S. Fish and Wildlife Service.

2. Make application to the U.S. Fish and Wildlife Service for project approval and secure all necessary environmental and cultural resources clearances associated with operation of the enlarged Lake Como.

3. Enter into an agreement with the Bitter Root Irrigation District to reimburse the district for annual operation and maintenance costs associated with the operation of instream flow reserved storage in Lake Como.

4. Will indemnify and hold harmless Reclamation and the operators of Como Dam, the Bitter Root Irrigation District, against any claim or action challenging the use of the water under the terms of this Agreement.

5. Provide for a gaging station or other measuring devices on Rock Creek downstream from the point of delivery to measure releases from the instream flow reserved storage.

C. RECLAMATION WILL:

1. Perform final designs and construction, including contract administration and construction management, for enlargement of Como Dam as outlined in this agreement.

2. Enter into an operating agreement with the Bitter Root Irrigation District for the operation of instream flow reserved storage in Lake Como under the terms of this Agreement.

3. Mediate any disputes over quantity of water available or operation of the instream flow reserved storage in Lake Como between Fish, Wildlife and Parks and the Bitter Root Irrigation District.

4. Acknowledge Fish, Wildlife and Parks financial sponsorship, including Federal Aid in Sport Fish Restoration Program funding, at the project site and in pertinent literature, both during and after construction.

5. Provide the State of Montana with designs for Safety of Dams modifications and the enlargement and permit the site to be inspected by Montana Department of Natural Resources and Conservation and Fish, Wildlife and Parks.

D. IT IS MUTUALLY AGREED:

1. That nothing in this Agreement shall be construed as placing the Fish Wildlife and Parks in the position of the guarantor to Reclamation or to any third party, other than as is expressly set out in this Agreement.

2. That no member of or delegate to Congress, or resident commissioner shall be admitted to any part of this Agreement, or to any benefit that may arise therefrom.

3. That nothing herein shall be construed as obligating Reclamation, or Fish, Wildlife and Parks to expend funds, or as involving either party in any contract or other obligation for the future payment of money, in excess of appropriations authorized by law, and approved for expenditure.

4. That all improvements at Como Dam shall remain in title to the Bitter Root Irrigation District, the current owner of the dam.

5. That this agreement may be amended at any time by mutual written agreement of the parties hereto.

6. This Agreement will be in effect through the functional life of the Como Dam enlargement unless an earlier termination is mutually agreed to by the parties and the Bitter Root Irrigation District. If an earlier termination is agreed to, the Bitter Root Irrigation District may use the water in the instream flow reserved storage for other purposes.

7. That nothing in this Agreement shall be interpreted to work as an abandonment or as evidence of an intent to abandon any water right associated with Lake Como storage.

8. That nothing in this Agreement shall be construed as to impact the original grant from the U.S. Department of Interior to the District or any existing easements or Special Use Permits between the District and the U.S. Department of Interior or U.S. Department of Agriculture related to the irrigation storage pool and the embankment and appurtenant structures at Como Dam.

9. That all written communications which are to be given to the Fish, Wildlife and Parks under this Agreement will be delivered to:

Administrator
Fisheries Division
Department of Fish, Wildlife and Parks
1420 E. 6th Ave.
Helena MT 59620-0701

All written communications which are to be given to Reclamation under this agreement will be delivered to:

Regional Director
Bureau of Reclamation
1150 N. Curtis
Boise ID 83706

The above shall be effective until written notice of a change to the other party.

E. METHOD OF PAYMENT

1. Reclamation will submit quarterly billings for expenses associated with the final designs, construction, construction management, contract administration, and overhead associated with the enlargement of Como Dam.

2. Upon receipt of quarterly billings, Fish, Wildlife and Parks will process payment within 30 days.

3. Upon completion of the construction at Como Dam, Reclamation will prepare a report on the work accomplished and include a breakdown and full and final accounting of all expenditures related to the enlargement.

4. Reclamation will retain accounting records for three fiscal years after the completion of the project, subject to provisions of the Privacy Act and other applicable federal laws, and allow Fish, Wildlife and Parks or authorized representatives to inspect and review all related records during normal office hours at the Regional Office in Boise, Idaho.

IN WITNESS THEREOF the parties hereto cause this Agreement to be properly executed by their authorized representatives.

BY

Patricia Walsh
(signature)

7-8-94

(date)

Director

Montana Department of Fish, Wildlife and Parks

BY

Deborah L. Schwarz
(signature)

7/29/94

(date)

Regional Director

Pacific Northwest Region

Bureau of Reclamation

U.S. Department of the Interior

533.90

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76F 30063811 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL

Purpose (use): INSTREAM FISHERY

Maximum Flow Rate: 10.00 CFS

THE MEASUREMENT POINT FOR THIS WATER RIGHT SHALL BE ON THE NORTH
FORK OF PLACID CREEK, BELOW THE NORTH FORK PLACID CREEK FIIP
DIVERSION (SENWSE SEC 29 T17N R16W) (LAT 113 39' 43.59" LONG 47 11'
53.08").

CALL MAY BE INITIATED ON THE DAY FOLLOWING A 24-HOUR PERIOD WHERE
AVERAGE DAILY RIVER FLOWS FALL BELOW THEIR RESPECTIVE DAILY
ENFORCEABLE VALUE.

Maximum Volume:

Source Name: PLACID CREEK, NORTH FORK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENWSE	29	17N	16W	MISSOULA

Period of Diversion: JANUARY 1 TO DECEMBER 31

Flow Rate: 10.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SENWSE	29	17N	16W	MISSOULA

Remarks:

THE DESIGNATION OF A PLACE OF USE OF THIS WATER RIGHT IS A DESIGNATION FOR PURPOSES OF
MEASUREMENT OF THE ENFORCEABLE LEVELS AND IS NOT A GEOGRAPHIC LIMITATION ON THE
LOCATION OF JUNIOR WATER RIGHTS AGAINST WHOM THIS RIGHT MAY BE ENFORCED.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER
RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH & KOOTENAI TRIBES, THE STATE OF
MONTANA, AND THE UNITED STATES OF AMERICA.

THIS WATER RIGHT SHALL NOT BE EXERCISED IN CONJUNCTION WITH ANY ARTIFICIAL DIVERSION.

REGARDING THE PLACID CANAL DIVERSION AS SET FORTH IN APPENDIX 3.2, THIS WATER RIGHT SHALL
BE ADMINISTERED AS A MINIMUM ENFORCEABLE FLOW (MEF) AS DEFINED IN ARTICLE III.C.1.d.ii. AND IS
SUBJECT TO THE CONDITIONS SET FORTH IN ARTICLE IV.C THROUGH F OF THE COMPACT,

THE TRIBES, AND/OR THE UNITED STATES ON BEHALF OF THE TRIBES, SHALL BE ENTITLED TO MAKE A
CALL TO ENFORCE THIS WATER RIGHT ONLY AGAINST JUNIOR USERS THE PURPOSE OF WHOSE
RIGHTS IS IRRIGATION AND WHOSE SOURCE OF SUPPLY IS SURFACE WATER OF PLACID CREEK, OR
AGAINST JUNIOR USERS THE PURPOSE OF WHOSE RIGHTS IS IRRIGATION, WHOSE SOURCE OF
SUPPLY IS GROUNDWATER CONNECTED TO PLACID CREEK AND WHOSE FLOW RATE IS GREATER
THAN 100 GALLONS PER MINUTE.

SEE 30063811 MAP EXHIBIT(S) 1.

THIS IS A NONCONSUMPTIVE INSTREAM WATER RIGHT; THE PURPOSE AND INSTREAM PLACE OF USE
CANNOT BE CHANGED.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76D 30052868 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): INSTREAM FISHERY
Maximum Flow Rate: 446.40 CFS
Maximum Volume:

Source Name: SUTTON CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENWNE	36	35N	29W	LINCOLN

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate: 26.40 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate: 25.10 CFS
MARCH 1 TO MARCH 31	Flow Rate: 28.80 CFS
APRIL 1 TO APRIL 30	Flow Rate: 79.00 CFS
MAY 1 TO MAY 31	Flow Rate: 239.10 CFS
JUNE 1 TO JUNE 30	Flow Rate: 226.80 CFS
JULY 1 TO JULY 31	Flow Rate: 118.60 CFS
AUGUST 1 TO AUGUST 31	Flow Rate: 37.30 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate: 27.60 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate: 41.10 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate: 38.70 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate: 32.70 CFS

Diversion Means: INSTREAM
Diversion Type: PRIMARY

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NENWNE	36	35N	29W	LINCOLN

Remarks:

EXISTING WATER RIGHTS HELD BY THE UNITED STATES FOREST SERVICE PURSUANT TO THE UNITED STATES FOREST SERVICE-MONTANA WATER RIGHTS COMPACT, 85-20-1401, MCA, SHALL NOT BE SUBJECT TO CALL BY THE TRIBES AND/OR THE UNITED STATES ON BEHALF OF THE TRIBES.

THE PURPOSE OF THIS WATER RIGHT IS FOR THE MAINTENANCE AND ENHANCEMENT OF FISH HABITAT. THIS RIGHT SHALL NOT BE CHANGED TO ANY OTHER OR ADDITIONAL PURPOSE, CHANGED TO CONSUMPTIVE USE, OR TRANSFERRED TO DIFFERENT OWNERSHIP.

THE POINT OF DIVERSION AND PLACE OF USE FOR THIS WATER RIGHT IS INSTREAM. THIS WATER RIGHT SHALL NOT BE EXERCISED IN CONJUNCTION WITH ANY ARTIFICIAL DIVERSION.

THE PLACE OF USE OF THIS WATER RIGHT INCLUDES THE ENTIRE REACH OF THE DESIGNATED SOURCE, AND ALL TRIBUTARIES TO THAT SOURCE, STARTING JUST ABOVE THE CONFLUENCE WITH THE KOOTENAI RIVER.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH & KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

Remarks:

THE RECOGNITION OF THIS INSTREAM FLOW WATER RIGHT DOES NOT CONFER ON THE TRIBES ANY AUTHORITY OVER THE MANAGEMENT OF NATIONAL FOREST SYSTEM LANDS WITHIN BASIN 76D, OR ANY CLAIM TO OWNERSHIP OR OTHER RIGHTS IN THAT LAND. WITH THE EXCEPTION OF FUTURE DIVERSIONARY USES BY THE UNITED STATES ON NATIONAL FOREST SYSTEM LANDS IN EXCESS OF THE FOREST SERVICE'S RESERVED RIGHTS SET FORTH IN TO THE UNITED STATES FOREST SERVICE-MONTANA WATER RIGHTS COMPACT, 85-20-1401, MCA, THE TRIBES HOLD THE UNITED STATES HARMLESS FOR DELIVERY OF WATER OR MAINTENANCE OF FLOWS TO MEET THIS INSTREAM FLOW RIGHT IN BASIN 76D.

THE FLOWS QUANTIFIED FOR THIS RIGHT ARE ESTIMATED 10 % MEAN DAILY MONTHLY EXCEEDANCE DISCHARGE. IF THIS BASIN IS ADMINISTERED IN THE FUTURE AND A STREAM GAGE IS INSTALLED, THE 10% MEAN DAILY MONTHLY EXCEEDANCE DISCHARGE VALUE DETERMINED FROM ACTUAL STREAM GAGE DATA WILL BE THE QUANTITY OF THE WATER RIGHT.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76D 30052869 COMPACT
Version: 1 -- ORIGINAL RIGHT
Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): INSTREAM FISHERY
Maximum Flow Rate: 259.40 CFS
Maximum Volume:

Source Name: BOULDER CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESESE	1	35N	29W	LINCOLN

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate: 14.20 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate: 12.40 CFS
MARCH 1 TO MARCH 31	Flow Rate: 14.70 CFS
APRIL 1 TO APRIL 30	Flow Rate: 43.70 CFS
MAY 1 TO MAY 31	Flow Rate: 137.90 CFS
JUNE 1 TO JUNE 30	Flow Rate: 118.20 CFS
JULY 1 TO JULY 31	Flow Rate: 90.90 CFS
AUGUST 1 TO AUGUST 31	Flow Rate: 29.50 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate: 21.80 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate: 25.50 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate: 22.10 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate: 17.60 CFS

Diversion Means: INSTREAM
Diversion Type: PRIMARY

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SESESE	1	35N	29W	LINCOLN

Remarks:

THE PLACE OF USE OF THIS WATER RIGHT INCLUDES THE ENTIRE REACH OF THE DESIGNATED SOURCE, AND ALL TRIBUTARIES TO THAT SOURCE, STARTING JUST ABOVE THE CONFLUENCE WITH THE KOOTENAI RIVER.

EXISTING WATER RIGHTS HELD BY THE UNITED STATES FOREST SERVICE PURSUANT TO THE UNITED STATES FOREST SERVICE-MONTANA WATER RIGHTS COMPACT, 85-20-1401, MCA, SHALL NOT BE SUBJECT TO CALL BY THE TRIBES AND/OR THE UNITED STATES ON BEHALF OF THE TRIBES.

THE POINT OF DIVERSION AND PLACE OF USE FOR THIS WATER RIGHT IS INSTREAM. THIS WATER RIGHT SHALL NOT BE EXERCISED IN CONJUNCTION WITH ANY ARTIFICIAL DIVERSION.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH & KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THE PURPOSE OF THIS WATER RIGHT IS FOR THE MAINTENANCE AND ENHANCEMENT OF FISH HABITAT. THIS RIGHT SHALL NOT BE CHANGED TO ANY OTHER OR ADDITIONAL PURPOSE, CHANGED TO CONSUMPTIVE USE, OR TRANSFERRED TO DIFFERENT OWNERSHIP.

Remarks:

THE RECOGNITION OF THIS INSTREAM FLOW WATER RIGHT DOES NOT CONFER ON THE TRIBES ANY AUTHORITY OVER THE MANAGEMENT OF NATIONAL FOREST SYSTEM LANDS WITHIN BASIN 76D, OR ANY CLAIM TO OWNERSHIP OR OTHER RIGHTS IN THAT LAND. WITH THE EXCEPTION OF FUTURE DIVERSIONARY USES BY THE UNITED STATES ON NATIONAL FOREST SYSTEM LANDS IN EXCESS OF THE FOREST SERVICE'S RESERVED RIGHTS SET FORTH IN TO THE UNITED STATES FOREST SERVICE-MONTANA WATER RIGHTS COMPACT, 85-20-1401, MCA, THE TRIBES HOLD THE UNITED STATES HARMLESS FOR DELIVERY OF WATER OR MAINTENANCE OF FLOWS TO MEET THIS INSTREAM FLOW RIGHT IN BASIN 76D.

THE FLOWS QUANTIFIED FOR THIS RIGHT ARE ESTIMATED 10 % MEAN DAILY MONTHLY EXCEEDANCE DISCHARGE. IF THIS BASIN IS ADMINISTERED IN THE FUTURE AND A STREAM GAGE IS INSTALLED, THE 10% MEAN DAILY MONTHLY EXCEEDANCE DISCHARGE VALUE DETERMINED FROM ACTUAL STREAM GAGE DATA WILL BE THE QUANTITY OF THE WATER RIGHT.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76D 30063806 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169

ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): INSTREAM FISHERY
Maximum Flow Rate: 108.10 CFS
Maximum Volume:

Source Name: STEEP CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESENW	31	35N	29W	LINCOLN

<u>Period of Diversion:</u>	<u>Flow Rate:</u>
JANUARY 1 TO JANUARY 31	4.40 CFS
FEBRUARY 1 TO FEBRUARY 28	4.30 CFS
MARCH 1 TO MARCH 31	4.30 CFS
APRIL 1 TO APRIL 30	17.80 CFS
MAY 1 TO MAY 31	57.90 CFS
JUNE 1 TO JUNE 30	36.40 CFS
JULY 1 TO JULY 31	25.40 CFS
AUGUST 1 TO AUGUST 31	8.30 CFS
SEPTEMBER 1 TO SEPTEMBER 30	6.60 CFS
OCTOBER 1 TO OCTOBER 31	11.60 CFS
NOVEMBER 1 TO NOVEMBER 30	8.40 CFS
DECEMBER 1 TO DECEMBER 31	6.00 CFS

Diversion Means: INSTREAM
Diversion Type: PRIMARY

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SESENW	31	35N	29W	LINCOLN

Remarks:

THE PURPOSE OF THIS WATER RIGHT IS FOR THE MAINTENANCE AND ENHANCEMENT OF FISH HABITAT. THIS RIGHT SHALL NOT BE CHANGED TO ANY OTHER OR ADDITIONAL PURPOSE, CHANGED TO CONSUMPTIVE USE, OR TRANSFERRED TO DIFFERENT OWNERSHIP.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH & KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

THE POINT OF DIVERSION AND PLACE OF USE FOR THIS WATER RIGHT IS INSTREAM. THIS WATER RIGHT SHALL NOT BE EXERCISED IN CONJUNCTION WITH ANY ARTIFICIAL DIVERSION.

THE PLACE OF USE OF THIS WATER RIGHT INCLUDES THE ENTIRE REACH OF THE DESIGNATED SOURCE, AND ALL TRIBUTARIES TO THAT SOURCE, STARTING JUST ABOVE THE CONFLUENCE WITH BIG CREEK.

EXISTING WATER RIGHTS HELD BY THE UNITED STATES FOREST SERVICE PURSUANT TO THE UNITED STATES FOREST SERVICE-MONTANA WATER RIGHTS COMPACT, 85-20-1401, MCA, SHALL NOT BE SUBJECT TO CALL BY THE TRIBES AND/OR THE UNITED STATES ON BEHALF OF THE TRIBES.

Remarks:

THE RECOGNITION OF THIS INSTREAM FLOW WATER RIGHT DOES NOT CONFER ON THE TRIBES ANY AUTHORITY OVER THE MANAGEMENT OF NATIONAL FOREST SYSTEM LANDS WITHIN BASIN 76D, OR ANY CLAIM TO OWNERSHIP OR OTHER RIGHTS IN THAT LAND. WITH THE EXCEPTION OF FUTURE DIVERSIONARY USES BY THE UNITED STATES ON NATIONAL FOREST SYSTEM LANDS IN EXCESS OF THE FOREST SERVICE'S RESERVED RIGHTS SET FORTH IN TO THE UNITED STATES FOREST SERVICE-MONTANA WATER RIGHTS COMPACT, 85-20-1401, MCA, THE TRIBES HOLD THE UNITED STATES HARMLESS FOR DELIVERY OF WATER OR MAINTENANCE OF FLOWS TO MEET THIS INSTREAM FLOW RIGHT IN BASIN 76D.

THE FLOWS QUANTIFIED FOR THIS RIGHT ARE ESTIMATED 10 % MEAN DAILY MONTHLY EXCEEDANCE DISCHARGE. IF THIS BASIN IS ADMINISTERED IN THE FUTURE AND A STREAM GAGE IS INSTALLED, THE 10% MEAN DAILY MONTHLY EXCEEDANCE DISCHARGE VALUE DETERMINED FROM ACTUAL STREAM GAGE DATA WILL BE THE QUANTITY OF THE WATER RIGHT.

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

GENERAL ABSTRACT

Water Right Number: 76D 30063807 COMPACT
Version: 1 -- ORIGINAL RIGHT

Version Status:

Owners: USA (DEPT OF INTERIOR BUREAU OF INDIAN AFF)
IN TRUST FOR CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD INDIAN RESERVATION, MONTANA
911 NE 11TH AVENUE
PORTLAND, OR 97232-4169
ALL COMMUNICATION SHALL BE COPIED TO THE CSKT TRIBAL CHAIRMAN AS THE
BENEFICIAL OWNER AT PO BOX 278, PABLO, MT 59855-0278.

Priority Date: TIME IMMEMORIAL
Purpose (use): INSTREAM FISHERY
Maximum Flow Rate: 1,471.10 CFS
Maximum Volume:

Source Name: BIG CREEK
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSENE	2	34N	29W	LINCOLN

Period of Diversion: JANUARY 1 TO JANUARY 31	Flow Rate:	81.30 CFS
FEBRUARY 1 TO FEBRUARY 28	Flow Rate:	94.10 CFS
MARCH 1 TO MARCH 31	Flow Rate:	98.80 CFS
APRIL 1 TO APRIL 30	Flow Rate:	294.20 CFS
MAY 1 TO MAY 31	Flow Rate:	784.40 CFS
JUNE 1 TO JUNE 30	Flow Rate:	491.40 CFS
JULY 1 TO JULY 31	Flow Rate:	265.00 CFS
AUGUST 1 TO AUGUST 31	Flow Rate:	76.00 CFS
SEPTEMBER 1 TO SEPTEMBER 30	Flow Rate:	54.40 CFS
OCTOBER 1 TO OCTOBER 31	Flow Rate:	99.80 CFS
NOVEMBER 1 TO NOVEMBER 30	Flow Rate:	109.00 CFS
DECEMBER 1 TO DECEMBER 31	Flow Rate:	102.00 CFS

Diversion Means: INSTREAM

Diversion Type: PRIMARY

Period of Use: JANUARY 1 to DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SWSENE	2	34N	29W	LINCOLN

Remarks:

THE PLACE OF USE OF THIS WATER RIGHT INCLUDES THE ENTIRE REACH OF THE DESIGNATED SOURCE, AND ALL TRIBUTARIES TO THAT SOURCE, STARTING JUST ABOVE THE CONFLUENCE WITH THE KOOTENAI RIVER.

THE PURPOSE OF THIS WATER RIGHT IS FOR THE MAINTENANCE AND ENHANCEMENT OF FISH HABITAT. THIS RIGHT SHALL NOT BE CHANGED TO ANY OTHER OR ADDITIONAL PURPOSE, CHANGED TO CONSUMPTIVE USE, OR TRANSFERRED TO DIFFERENT OWNERSHIP.

THE POINT OF DIVERSION AND PLACE OF USE FOR THIS WATER RIGHT IS INSTREAM. THIS WATER RIGHT SHALL NOT BE EXERCISED IN CONJUNCTION WITH ANY ARTIFICIAL DIVERSION.

THE EXERCISE OF THIS WATER RIGHT IS SUBJECT TO THE TERMS AND CONDITIONS OF THE WATER RIGHTS COMPACT ENTERED INTO BY THE CONFEDERATED SALISH & KOOTENAI TRIBES, THE STATE OF MONTANA, AND THE UNITED STATES OF AMERICA.

EXISTING WATER RIGHTS HELD BY THE UNITED STATES FOREST SERVICE PURSUANT TO THE UNITED STATES FOREST SERVICE-MONTANA WATER RIGHTS COMPACT, 85-20-1401, MCA, SHALL NOT BE SUBJECT TO CALL BY THE TRIBES AND/OR THE UNITED STATES ON BEHALF OF THE TRIBES.

Remarks:

THE RECOGNITION OF THIS INSTREAM FLOW WATER RIGHT DOES NOT CONFER ON THE TRIBES ANY AUTHORITY OVER THE MANAGEMENT OF NATIONAL FOREST SYSTEM LANDS WITHIN BASIN 76D, OR ANY CLAIM TO OWNERSHIP OR OTHER RIGHTS IN THAT LAND. WITH THE EXCEPTION OF FUTURE DIVERSIONARY USES BY THE UNITED STATES ON NATIONAL FOREST SYSTEM LANDS IN EXCESS OF THE FOREST SERVICE'S RESERVED RIGHTS SET FORTH IN TO THE UNITED STATES FOREST SERVICE-MONTANA WATER RIGHTS COMPACT, 85-20-1401, MCA, THE TRIBES HOLD THE UNITED STATES HARMLESS FOR DELIVERY OF WATER OR MAINTENANCE OF FLOWS TO MEET THIS INSTREAM FLOW RIGHT IN BASIN 76D.

THE FLOWS QUANTIFIED FOR THIS RIGHT ARE ESTIMATED 10 % MEAN DAILY MONTHLY EXCEEDANCE DISCHARGE. IF THIS BASIN IS ADMINISTERED IN THE FUTURE AND A STREAM GAGE IS INSTALLED, THE 10% MEAN DAILY MONTHLY EXCEEDANCE DISCHARGE VALUE DETERMINED FROM ACTUAL STREAM GAGE DATA WILL BE THE QUANTITY OF THE WATER RIGHT.

FLATHEAD RESERVATION
REQUEST FOR
APPROVAL TO DEVELOP A DOMESTIC ALLOWANCE

Use for a new use of groundwater for domestic purposes that fits one of the categories in Section 1 below.

Check all appropriate boxes and fill in each blank. If more space is needed, attach properly labeled additional information. To avoid processing delays, submit all required information.

FILING FEE: \$???

Request # _____ Basin _____
 Date Rec'd _____
 Time _____ AM / PM
 Rec'd By _____
 Fee Rec'd _____ Check # _____
 Refund _____ Date _____

Before drilling a well or developing a spring, an appropriator must file this form and receive approval to develop a Domestic Allowance from the Water Engineer's Office of the Flathead Reservation Unitary Water Management Board. Special Identified Groundwater Management Areas may have Domestic Allowance restrictions not covered in § 2-2-117; check with the Engineer's Office for specific listings and restrictions.

1. PROPOSED DEVELOPMENT

- ☐ **Individual Domestic Allowance** (§ 2-2-117 (6)) (1 household with up to _____ gpm and 2.4 acre-feet with no more than 0.7 acre lawn & garden)
- ☐ **Shared Domestic Allowance** (§ 2-2-117 (7)) (2 or 3 households with up to 35 gpm and 2.4 acre-feet with no more than 0.75 acre total lawn & garden)
 You must attach a copy of the shared well agreement.
- ☐ **Developed Domestic Allowance** (§ 2-2-117 (8)) (development with up to _____ gpm and 10 acre-feet with no more than 0.25 acre lawn & garden per establishment)
 You must attach a copy of the shared well agreement, a description of the measuring device to be used for annual reporting requirements, and a copy of the development plan, plat, or equivalent as required by the associated county government.

If you did not mark one of the boxes above, you cannot use this form. You will need to use Form _____ Flathead Reservation Permit Application. See UWC § 2-2-117 for all details of domestic allowances.

2. NAME OF APPLICANT

Mailing Address _____
 City / Town _____ State _____ Zip _____
 Cell Phone _____ Work Phone _____ Home Phone _____

3. PROPOSED SOURCE OF WATER SUPPLY

- ☐ Well(s)
- ☐ Develop Spring(s) (must be fully enclosed)

**Note: Pits, ditches, dams, constructed ponds, and reservoirs are not permitted under UWC § 2-2-117.*

Please describe your proposed appropriation works including anticipated Well Shaft Casing Description.

4. PROPOSED BENEFICIAL USE

DOMESTIC Number of homes supplied _____
 Year round use? ☐ Yes ☐ No If no, from _____ to _____, inclusive each year

LAWN & GARDEN Total size of lawn and/or garden—length X width or total acreage _____
 April 1—October 31 ☐ Yes ☐ No If no, from _____ to _____, inclusive each year

STOCK Number and type _____
 (i.e. 2 horses) Year round use? ☐ Yes ☐ No If no, from _____ to _____, inclusive each year

FIRE SYSTEM Is a residential fire system required? ☐ Yes ☐ No If so, flow rate required _____

5. PROPOSED POINT OF DIVERSION (Must include Latitude and Longitude Coordinates)

LATITUDE _____ LONGITUDE _____
____ 1/4 ____ 1/4 ____ 1/4 Section ____ Twp ____ N/S Rge ____ E/W County ____
Lot ____ Block ____ Tract No. ____ Subdivision Name ____
Government Lot No. ____ COS No. ____
Street Address, including City/State/Zip Code _____

6. COMBINATION OR SHARED DEVELOPMENT

Will this development be used in combination with another well or spring? ☐ Yes ☐ No

If yes, please attach a separate sheet listing additional Points of Diversion and explain how the development is used.

7. PROPOSED PLACE OF USE

Geocode of the place of use (17 digits) _____

If there are multiple places of use, list the geocode for each place on an attached sheet. The geocodes can be found at the County Clerk and Records Office or by visiting <http://gis.mt.gov>

Is the place where water is used the same as the point of diversion? ☐ Yes ☐ No

If no, enter the place of use land description below. If more than one place of use, please attach a separate sheet with additional land descriptions.

____ 1/4 ____ 1/4 ____ 1/4 Section ____ Twp ____ N/S Rge ____ E/W County ____
Lot ____ Block ____ Tract No. ____ Subdivision Name ____
Government Lot No. ____ COS No. ____
Street Address, including City/State/Zip Code _____

8. MAP

Attach a site-map showing the location of proposed wells including latitude and longitude in decimal degrees. The map must also show a minimum 200 feet radius around the proposed well(s) or spring(s) and include all of the following (existing or proposed on the property): wells, developed springs, sewage facilities, buildings, well connections to buildings, property lines, property ownerships, irrigated acres per lot or unit, any and all means of conveyance for all water rights in the area, all water rights points of diversion, and all surface water features.

9. AFFIDAVIT OF OWNERSHIP OR WRITTEN CONSENT

I have attached proof I have possessory interest in the property where the water is proposed to be put to beneficial use and I have the exclusive property rights in the ground water development works **OR** I have attached written consent of the person owning the ground water development works and/or person with possessory interest in the land where the water is to be put to beneficial use. UWC § 2-2-117

The statements appearing here are to the best of my knowledge true and correct.

Appropriator's Signature _____

Date: _____

Appropriator's Signature _____

Date: _____

Upon receipt of this form, the Water Engineer's Office shall review the application within 45 days and may either approve the domestic allowance or return a defective application to the applicant, together with the reasons for returning it, affording the applicant the opportunity to correct deficiencies. If the Water Engineer's Office does not approve or return an application within the 45 day review period, the application shall be deemed approved.

APPROVAL TO DEVELOP A DOMESTIC ALLOWANCE

Engineer's Office Authorization _____

Date: _____

After completion of the project, Applicant must file an acceptable Form B to obtain a Domestic Allowance Certificate. This authorization is valid for 365 days. A correct and complete Form B is not submitted within 365 days, this authorization will be deemed invalid.

FLATHEAD RESERVATION **NOTICE OF DOMESTIC ALLOWANCE COMPLETION**

Use after the Office of the Water Engineer has approved the
Request for Development (Form A)

Check all appropriate boxes and fill in each blank. If more space is
needed, attach properly labeled additional information. To avoid
processing delays, submit all required information.

FILING FEE: \$???

Completion # _____ Basin _____

Priority Date _____

Time _____ AM / PM

Rec'd By _____

Fee Rec'd _____ Check # _____

Refund _____ Date _____

This form must be filed within 120 days of completing the pre-approved appropriation works. The Domestic Allowance becomes valid after filing of a correct and complete Notice of Domestic Allowance Completion.

1. REQUEST NUMBER (From Approved "Request for Approval to Develop a Domestic Allowance") _____

2. DEVELOPMENT

- ☐ **Individual Domestic Allowance** (§ 2-2-117 (6)) (1 household with up to 35 gpm and 2.4 acre-feet with no more than 0.7 acre lawn & garden)
- ☐ **Shared Domestic Allowance** (§ 2-2-117 (7)) (2 or 3 households with up to 35 gpm and 2.4 acre-feet with no more than 0.75 acre total lawn & garden)
- ☐ **Developed Domestic Allowance** (§ 2-2-117 (8)) (development with up to 35 gpm and 10 acre-feet with no more than 0.25 acre lawn & garden per establishment)

3. NAME OF APPLICANT

Mailing Address _____
 City / Town _____ State _____ Zip _____
 Cell Phone _____ Work Phone _____ Home Phone _____

4. SOURCE OF WATER SUPPLY

Well(s) A copy of _____ Well Log(s) attached.

Developed Spring(s) Please describe your appropriation works including Well Shaft Casing Description.

5. FLOW RATE / PUMP INFORMATION

FLOW RATE USED _____ GPM PUMP SIZE (If present) _____ HP
 DEPTH OF PUMP INTAKE _____ FT PUMP MAKE/MODEL (If available) _____

6. BENEFICIAL USE

DOMESTIC Number of homes supplied _____
 Year round use? ☐ Yes ☐ No If no, from _____ to _____, inclusive each year

LAWN & GARDEN Total size of lawn and/or garden—length X width or total acreage _____
 April 1—October 31 ☐ Yes ☐ No If no, from _____ to _____, inclusive each year

STOCK Number and type _____
 (i.e. 2 horses) Year round use? ☐ Yes ☐ No If no, from _____ to _____, inclusive each year

FIRE SYSTEM Is a residential fire system required? ☐ Yes ☐ No If so, flow rate required _____

7. POINT OF DIVERSION (Must include Latitude and Longitude Coordinates)

LATITUDE _____ LONGITUDE _____
____ 1/4 ____ 1/4 ____ 1/4 Section ____ Twp ____ N/S Rge ____ E/W County ____
Lot ____ Block ____ Tract No. ____ Subdivision Name ____
Government Lot No. ____ COS No. ____
Street Address, including City/State/Zip Code _____

8. COMBINATION OR SHARED DEVELOPMENT

Is this development being used in combination with another well or spring?

☐ Yes ☐ No

If yes, please attach a separate sheet listing additional Points of Diversion and explain how the development is used.

9. PLACE OF USE

Geocode of the place of use (17 digits) _____

If there are multiple places of use, list the geocode for each parcel on the attached sheet. The geocodes can be found at the County Clerk and Records Office or by visiting <http://gis.mt.gov/>.

Is the place where water is used the same as the point of diversion?

☐ Yes ☐ No

If no, enter the place of use land description below. If more than one place of use, please attach a separate sheet with additional land descriptions.

____ 1/4 ____ 1/4 ____ 1/4 Section ____ Twp ____ N/S Rge ____ E/W County ____
Lot ____ Block ____ Tract No. ____ Subdivision Name ____
Government Lot No. ____ COS No. ____
Street Address, including City/State/Zip Code _____

10. AFFIDAVIT

I affirm the information provided on this Notice of Completion is to the best of my knowledge true and correct.

Applicant's Signature _____

Date _____

Applicant's Signature _____

Date _____

Applicant's Signature _____

Date _____

State of Montana

County of _____

Signed or acknowledged before me on _____ by _____

Notary's Signature _____

Notary's Name (Printed) _____

Notary public for the State of _____

Residing at _____

My commission expires _____

DRAFT

FLATHEAD RESERVATION

REQUEST FOR

APPROVAL TO DEVELOP A STOCK WATER ALLOWANCE

Use for a new use of groundwater or surface water for Stock Water purposes that fits one of the categories in Section 1 below.

Check all appropriate boxes and fill in each blank. If more space is needed, attach properly labeled additional information. To avoid processing delays, submit all required information.

FILING FEE: \$???

Request # _____ Basin _____

Date Rec'd _____

Time _____ AM / PM

Rec'd By _____

Fee Rec'd _____ Check # _____

Refund _____ Date _____

Before drilling a well, developing a spring, digging a pit, or diverting surface water to a stock tank, an appropriator must file this form and receive approval to develop a Stock Water Allowance from the Water Engineer's Office of the Flathead Reservation Unitary Water Management Board. Special Identified Groundwater Management Areas may stipulate Stock Water Allowance restrictions not covered in § 2-2-116; check with the Engineer's Office for specific listings and restrictions.

1. PROPOSED DEVELOPMENT

_____ Stock Water Well Allowance (§ 2-2-116 (7)) (up to 35 gpm and 2.4 acre-feet per year & not connected to home or business)

_____ Stock Water Pit Allowance (§ 2-2-116 (8)) (pit capacity up to 5.0 acre-feet. Up to 10 acre- feet use per year. Source is groundwater seepage or non-perennial stream)

_____ Stock Water Tank Served by Surface Water Allowance (§ 2-2-116 (9)) (up to 10 gpm and 2.4 ac-ft per year with enclosed conveyance to Stock Water Tank)

If you did not mark one of the boxes above, you cannot use this form. You will need to use Form _____ Flathead Reservation Permit Application. See UWC § 2-2-116 for full details of stock water allowances.

2. NAME OF APPLICANT _____

Mailing Address _____

City / Town _____ State _____ Zip _____

Cell Phone _____ Work Phone _____ Home Phone _____

3. PROPOSED SOURCE OF WATER SUPPLY

_____ Well

_____ Developed Spring (must be fully enclosed)

_____ Groundwater seepage (For Stock Water Pit only)

_____ Non-perennial stream: name _____; tributary to _____ (for Stock Water Pit or SW Tank)

_____ Perennial Stream Name: _____ (for Stock Tank Served By Surface Water)

Please describe your proposed appropriation works, including, as appropriate: for Well- casing size, estimated well depth, flow rate, Stock Tank capacity, and specifications of the water level regulator/shutoff; For Pit -means of construction, surface area, maximum depth, and capacity of pit excavation; For Stock Water Tank Served by Surface Water - Stock Tank capacity, means of surface water diversion, flow rate, specifications of the fully contained pipe or hose, and specifications of the water level regulator/shutoff.

4. PROPOSED BENEFICIAL USE

____ STOCK Number and type (e.g. 5 horses & 20 cattle) _____
Year round use? ____ Yes ____ No If no, from _____ to _____, inclusive each year

5. PROPOSED POINT OF DIVERSION (Must include Latitude and Longitude Coordinates)

LATITUDE _____ LONGITUDE _____
____ 1/4 ____ 1/4 ____ 1/4 Section _____ Twp _____ N/S Rge _____ EW County _____
Lot _____ Block _____ Tract No. _____ Subdivision Name _____
Government Lot No. _____ COS No. _____
Street Address, including City/State/Zip Code _____

6. COMBINATION OR SHARED DEVELOPMENT

Will this development be used in combination with another Stock Water Allowance? ____ Yes ____ No
If yes, please attach a separate sheet listing additional Points of Diversion and explain how the development is used.

7. PROPOSED PLACE OF USE

Geocode of the place of use (17 digits) _____

If there are multiple places of use, list the geocode for each parcel on an attached sheet. The geocodes can be found at the County Clerk and Records Office or by visiting <http://gis.mt.gov/>.

Is the place where water is used the same as the point of diversion? Yes No
If no, enter the place of use land description below. If more than one place of use, please attach a separate sheet with additional land descriptions.

____ 1/4 ____ 1/4 ____ 1/4 Section _____ Twp _____ N/S Rge _____ EW County _____
Lot _____ Block _____ Tract No. _____ Subdivision Name _____
Government Lot No. _____ COS No. _____
Street Address, including City/State/Zip Code _____

8. MAP

Attach a site-map showing the location of all proposed Stock Water Allowances including latitude and longitude in decimal degrees. The map must also show a minimum of 500 feet in radius around the proposed source and include all of the following (existing or proposed by the applicant): well(s), developed springs, pits, stock tanks, buildings, property lines, property ownerships, and all means of conveyance for all water rights in the area, all water right points of diversions, and all surface water features.

9. AFFIDAVIT OF OWNERSHIP OR WRITTEN CONSENT

I attach proof that I have possessory interest in the property where the water is proposed to be put to beneficial use and I have the exclusive property rights in the Stock Water Allowance development works **OR** I attach written consent of the person owning the Stock Water Allowance development works and/or the person with possessory interest in the land where the water is to be put to beneficial use. UWC § 2-2-116.

The statements appearing here are to the best of my knowledge true and correct.

Appropriator's Signature _____

Date: _____

Appropriator's Signature _____

Date: _____

Upon receipt of this form, the Water Engineer's Office shall review the application within 45 days and may either approve the stock water allowance or return a defective application to the applicant, together with the reasons for returning it, affording the applicant the opportunity to correct deficiencies. If the Water Engineer's Office does not approve or return an application within the 45 day review period, the application shall be deemed approved.

APPROVAL TO DEVELOP A STOCK WATER ALLOWANCE

Engineer's Office Authorization _____

Date: _____

After completion of the project, Applicant must file an acceptable Stock Water Form B to obtain a Stock Water Allowance Certificate. This authorization is valid for one year. If a correct and complete Stock Water Form B is not submitted within one year, this authorization will no longer be valid.

FLATHEAD RESERVATION **NOTICE OF STOCK WATER ALLOWANCE COMPLETION**

Use after the Office of the Water Engineer has approved the Request For Development of Stock Water Allowance (Form A) and development is complete.

Check all appropriate boxes and fill in each blank. If more space is needed, attach properly labeled additional information. To avoid processing delays, submit all required information.

FILING FEE: \$???

Request # _____ Basin _____
 Date Rec'd _____
 Time _____ AM / PM
 Rec'd By _____
 Fee Rec'd _____ Check # _____
 Refund _____ Date _____

This form must be filed within 120 days of completing the pre-approved appropriation works. The Stock Water Allowance becomes valid after filing of a correct and complete Notice of Stock Water Allowance Completion

1. REQUEST NUMBER (From Approved "Request for Approval to Develop a Stock Water Allowance") _____

2. DEVELOPMENT

_____ Stock Water Well Allowance (§ 2-2-116 (7)) (up to 35 gpm and 2.4 acre-feet per year & not connected to home or business)
 _____ Stock Water Pit Allowance (§ 2-2-116 (8)) (pit capacity up to 5.0 acre-feet. Up to 10 acre- feet use per year. Source is groundwater seepage or non-perennial stream)
 _____ Stock Water Tank Served by Surface Water Allowance (§ 2-2-116 (9)) (up to 10 gpm and 2.4 ac-ft per year with enclosed conveyance to Stock Water Tank)

3. NAME OF APPLICANT _____

Mailing Address _____
 City / Town _____ State _____ Zip _____
 Cell Phone _____ Work Phone _____ Home Phone _____

4. SOURCE OF WATER SUPPLY

_____ Well A copy of your Well Log(s) must be attached.
 _____ Developed Spring Please describe your appropriation works including Well Shaft Casing Description.
 _____ Groundwater seepage (For Stock Water Pit only)
 _____ Non-perennial stream: name _____; tributary to _____ (for Stock Water Pit or SW Tank)
 _____ Perennial Stream Name: _____ (for Stock Tank Served By Surface Water)

5. APPROPRIATION DETAILS

Please describe your appropriation works, including, as appropriate: for Well- casing size, well depth, pump size, make & model, depth of pump intake, flow rate, Stock Tank capacity, and specifications of the water level regulator/shutoff; For Pit – means of construction, surface area, maximum depth, and capacity of pit; For Stock Water Tank Served by Surface Water – Stock Tank capacity, means of surface water diversion, flow rate, specifications of the fully contained pipe or hose, and specifications of the water level regulator/shutoff. Attach drawings, specification information, receipts, etc.

6. BENEFICIAL USE

____ STOCK Number and type (e.g. 5 horses & 20 cattle) _____
Year round use? ____ Yes ____ No If no, from _____ to _____, inclusive each year

7. POINT OF DIVERSION (Must include Latitude and Longitude Coordinates)

LATITUDE _____ LONGITUDE _____
____ 1/4 ____ 1/4 ____ 1/4 Section _____ Twp _____ N/S Rge _____ E/W County _____
Lot _____ Block _____ Tract No. _____ Subdivision Name _____
Government Lot No. _____ COS No. _____
Street Address, including City/State/Zip Code _____

8. COMBINATION OR SHARED DEVELOPMENT

Is this development being in combination with another Stock Water Allowance? ____ Yes ____ No
If yes, please attach a separate sheet listing additional Points of Diversion and explain how the development is used.

9. PLACE OF USE

Geocode of the place of use (17 digits) _____

If there are multiple places of use, list the geocode for each parcel on an attached sheet. The geocodes can be found at the County Clerk and Records Office or by visiting <http://gis.mt.gov/>.

Is the place where water is used the same as the point of diversion? Yes No
If no, enter the place of use land description below. If more than one place of use, please attach a separate sheet with additional land descriptions.

____ 1/4 ____ 1/4 ____ 1/4 Section _____ Twp _____ N/S Rge _____ E/W County _____
Lot _____ Block _____ Tract No. _____ Subdivision Name _____
Government Lot No. _____ COS No. _____
Street Address, including City/State/Zip Code _____

10. MAP

Attach a site-map showing the location of the Stock Water Allowance including latitude and longitude in decimal degrees of the point of diversion and place of use. The map must also show a minimum of 500 feet in radius around the source and note the new stock water development and all of the following existing developments: well(s), developed springs, pits, stock tanks, buildings, property lines, property ownerships, and all means of conveyance for all water rights in the area, all water right points of diversions, and all surface water features.

11. AFFIDAVIT

I affirm the information provided for this Notice of Completion is to the best of my knowledge true and correct.

Applicant's Signature _____

Date _____

Applicant's Signature _____

Date _____

Applicant's Signature _____

Date _____

State of Montana

County of _____

Signed or acknowledged before me on _____ by _____

Notary's Signature _____

Notary's Name (Printed) _____

Notary public for the State of _____

Residing at _____

My commission expires _____

Affix Notarial Seal/Stamp Above

FLATHEAD RESERVATION APPLICATION TO CHANGE A WATER RIGHT

EXHIBIT C

To apply to change the point of diversion, place of use, purpose of use, or place of storage of a water right.

FILING FEE: _____

Application No. _____ Basin _____
 Date Received _____
 Time _____ AM / PM
 Rec'd by _____
 Fee Rec'd \$ _____ Check # _____
 Check No. _____
 Refund \$ _____ Date _____

1. Applicant Name: _____
 Mailing Address: _____ City _____ State _____ Zip _____
 Phone Numbers: Home _____ Work _____ Cell _____
 Email Address: _____

2. Contact Person: ☐ Check, if same as applicant ☐ Check, if contact is an attorney
 Contact Name: _____
 Mailing Address: _____ City _____ State _____ Zip _____
 Phone Numbers: Home _____ Work _____ Cell _____
 Email Address: _____

NOTE: If a contact person is identified as an attorney, all communication will be sent only to the attorney unless the attorney provides written instruction to the contrary. If a contact person is identified as a consultant, employee, or lessee, the individual filing the water right form or objection form will receive all correspondence and a copy may be sent to the contact person.

3. Project Completion: _____ Years - Estimate how long it will take to complete the change, if the application is granted, to the point that water can be used according to the change. Information must be included in the application materials that justify the requested time. The justification must include information that would lead a person unfamiliar with the project to conclude the period requested is reasonable and needed to complete the change and put the changed water right(s) to use.

4. Affidavit – All undivided interest owners must sign as applicants.

I affirm the information provided for this application is to the best of my knowledge true and correct. I also affirm I have possessory interest, or the written consent of the person with the possessory interest, in the property where the water is to be put to beneficial use.

☐ Attach a copy of written consent from the person with possessory interest.

Applicant Signature: _____ Date _____
 _____ Date _____

State of Montana
 County of _____

Signed or acknowledged before me on _____ by _____

Notary's Signature _____
 Notary's Name (Printed) _____
 Notary public for the State of _____
 Residing at _____
 My commission expires _____

Affix Notarial Seal/Stamp Above

TYPE OF PROPOSED CHANGE – Complete only the section for the type of change being proposed.

5. ☐ **Change in Point of Diversion**

- ☐ Yes ☐ No Will the existing point of diversion still be used?
☐ Yes ☐ No Is there a source change? If yes, new source _____
☐ Yes ☐ No Is there a means of diversion change? If yes, new diversion means _____
☐ Yes ☐ No Is this a change for a replacement well? Old well depth _____ New well depth _____
The new well is located approximately _____ (feet) _____ (direction) of the new well.

A. Location of the proposed point(s) of diversion.

____ 1/4 ____ 1/4 ____ 1/4 Section ____ Twp ____ N / S Rge ____ E / W County ____
Lot ____ Block ____ Tract No. ____ Subdivision Name ____
Government Lot No. ____ COS No. ____
Street or Road Address, including City, State & Zip Code of the Development _____

B. ____ 1/4 ____ 1/4 ____ 1/4 Section ____ Twp ____ N / S Rge ____ E / W County ____
Lot ____ Block ____ Tract No. ____ Subdivision Name ____
Government Lot No. ____ COS No. ____
Street or Road Address, including City, State & Zip Code of the Development _____

6. ☐ **Change in Place of Use**

Geocode: The geocode is a 17 digit number. If there are multiple places of use, list the geocode for each parcel. The geocodes can be found at the County Clerk and Records Office or by visiting <http://gis.mt.gov/>.

A. Describe the proposed place of use. For irrigation, identify those acres below.

____ Acres ____ 1/4 ____ 1/4 ____ 1/4 Section ____ Twp ____ N / S Rge ____ E / W Geocode ____
Lot ____ Block ____ Tract No. ____ Subdivision Name ____

____ Acres ____ 1/4 ____ 1/4 ____ 1/4 Section ____ Twp ____ N / S Rge ____ E / W Geocode ____
Lot ____ Block ____ Tract No. ____ Subdivision Name ____

____ Acres ____ 1/4 ____ 1/4 ____ 1/4 Section ____ Twp ____ N / S Rge ____ E / W Geocode ____
Lot ____ Block ____ Tract No. ____ Subdivision Name ____

B. Will acres be taken out of irrigation? If yes, identify those acres below.

☐ Yes ☐ No

____ Acres ____ 1/4 ____ 1/4 ____ 1/4 Section ____ Twp ____ N / S Rge ____ E / W Geocode ____

____ Acres ____ 1/4 ____ 1/4 ____ 1/4 Section ____ Twp ____ N / S Rge ____ E / W Geocode ____

____ Acres ____ 1/4 ____ 1/4 ____ 1/4 Section ____ Twp ____ N / S Rge ____ E / W Geocode ____

____ Acres ____ 1/4 ____ 1/4 ____ 1/4 Section ____ Twp ____ N / S Rge ____ E / W Geocode ____

7. ☐ **Change in Purpose of Use**

A. ☐ Yes ☐ No Is this a temporary change? If yes, complete and attach the *Temporary Change Addendum*

B. Proposed New Purpose

☐ _____ Flow Rate ____ GPM/CFS Volume ____ Period of Use ____

☐ _____ Flow Rate ____ GPM/CFS Volume ____ Period of Use ____

8. ☐ **Change in Place of Storage**

A. ☐ Yes ☐ No Is this change to add a storage reservoir? If yes, identify the reservoir location.

____ 1/4 ____ 1/4 ____ 1/4 Section ____ Twp ____ N / S Rge ____ E / W County ____

B. Identify the capacity

DAM: surface area _____ acres X maximum depth _____ feet X 0.4 = _____ capacity in ac-ft

PIT: surface area _____ acres X maximum depth _____ feet X 0.5 = _____ capacity in ac-ft

☐ Other _____
☐ Crop to be grown: _____

☐ Other Purpose _____

9. PLACE OF USE

(a) Geocode of the place of use (17 digits) _____

If there are multiple places of use, list the geocode for each parcel on an attached sheet. The geocodes can be found at the County Clerk and Records Office or by visiting <http://gis.mt.gov/>.

(b) Irrigation / Lawn & Garden

County _____ Subdivision Name _____

_____ Acres	_____ Lot	_____ Block	_____ 1/4	_____ 1/4	_____ 1/4	Sec _____	Twp _____	N/S _____	Rge _____	E/W _____
_____ Acres	_____ Lot	_____ Block	_____ 1/4	_____ 1/4	_____ 1/4	Sec _____	Twp _____	N/S _____	Rge _____	E/W _____
_____ Acres	_____ Lot	_____ Block	_____ 1/4	_____ 1/4	_____ 1/4	Sec _____	Twp _____	N/S _____	Rge _____	E/W _____
_____ Acres	_____ Lot	_____ Block	_____ 1/4	_____ 1/4	_____ 1/4	Sec _____	Twp _____	N/S _____	Rge _____	E/W _____
_____ Acres	_____ Lot	_____ Block	_____ 1/4	_____ 1/4	_____ 1/4	Sec _____	Twp _____	N/S _____	Rge _____	E/W _____

_____ Total Acres

(c) Non-Irrigation

(i) Purpose of Use _____ Place of use same as Point of Diversion, **CHECK** ☐

_____ 1/4 _____ 1/4 _____ 1/4 Sec _____ Twp _____ N/S _____ Rge _____ E/W County _____

Lot _____ Block _____ Tract # _____ Government Lot _____

(ii) Purpose of Use _____ Place of use same as Point of Diversion, **CHECK** ☐

_____ 1/4 _____ 1/4 _____ 1/4 Sec _____ Twp _____ N/S _____ Rge _____ E/W County _____

Lot _____ Block _____ Tract # _____ Government Lot _____

10. FLOW RATE, DIVERTED VOLUME, CONSUMED VOLUME PER PURPOSE

_____ (cfs/gpm) up to _____ acre-feet (diverted) and _____ acre feet (consumed) for _____ purpose (month/day)

_____ (cfs/gpm) up to _____ acre-feet (diverted) and _____ acre feet (consumed) for _____ purpose (month/day)

_____ (cfs/gpm) up to _____ acre-feet (diverted) and _____ acre feet (consumed) for _____ purpose (month/day)

Total amount requested _____ (cfs/gpm) up to _____ acre-feet / year (diverted) and _____ acre-feet / year (consumed)

11. SUPPLEMENTAL WATER RIGHTS Select one of the following and explain if applicable

- ☐ The proposed use will not be used in conjunction with any other water rights.
- ☐ The proposed use will replace water right number(s): _____
- ☐ The proposed use will be used in conjunction with the following water rights: _____

Discuss why supplemental water is needed and how the water rights will be collectively operated: _____

12. PROJECT COMPLETION PLAN

What year will the project completed and all of the water put to beneficial use? _____

Explain why this amount of time is requested. Include information about the cost, magnitude, complexity, or any other reason for the time period requested. _____

Generally identify what will be completed and how much water will be put to use during each year until the project is completed.

13. MAP

Provide a map showing all features listed on this form.

14. WRITTEN AUTHORIZATION

Attach written authorization from the Tribal Council or its delegate (if applicable).

15. AFFIDAVIT

I affirm the information provided for this Application is to the best of my knowledge true and correct.

Applicant's Signature _____ Date _____

Applicant's Signature _____ Date _____

Applicant's Signature _____ Date _____

State of Montana
County of _____

Signed or acknowledged before me on _____ by _____

Notary's Signature _____

Notary's Name (Printed) _____

Notary public for the State of _____

Residing at _____

My commission expires _____

Affix Notarial Seal/Stamp Above

Flathead Reservation Unitary Administration and Management Ordinance
Forms Required for Implementation with Ordinance Reference Listed
B.Schultz 8/21/12

Forms that have been drafted (available on RWRCC webpage):

- Flathead Reservation Water Permit Application - Section 2-2-104
- Addendum B – Flathead Reservation Groundwater Minimum Aquifer Testing Requirements – Section 2-2-104(b)(iii)
- Flathead Reservation Application To Change A Water Right – Section 2-2-104
- Flathead Reservation Request For Approval To Develop A Domestic Allowance (Form A) - Section 2-2-117(8)
- Flathead Reservation Notice of Domestic Allowance Completion (Form B) - Section 2-2-117(9)
- Flathead Reservation Request For Approval To Develop A Stock Water Allowance (Form A) - Section 2-2-116
- Flathead Reservation Notice of Stock Water Allowance Completion (Form B) – Section 2-2-116(13)

Forms remaining to be drafted (All to be prefaced with 'Flathead Reservation')

Priority Group 1

- Registration of Existing Uses of Tribal Water Right Application – Section 2-1-102(1)
- Registration of Other Previously Unrecorded Existing Uses Application - Section 2-1-108(1)
- Registration Certificate for Other Previously Unrecorded Existing Uses Application – Section 2-1-108(3)
- Development of New Uses of Flathead System Compact Water Application – Section 2-2-118(2)

Priority Group 2

- Petition for Ground Water Management Area - Section 1-1-109(3)
- Water Use Complaint Form - Section 3-1-102(1)
- Notice of Appeal to the Board on Abandonment Decision - Section 2-1-113(8)
State & Tribes reviewing need for specific wetlands application or addendum forms:
- Wetland Quantified Appropriation Right Application Addendum ?(Section 2-2-124(3))
- Wetland Protective Appropriation Right Application Addendum? (Section 2-2-123)

Priority Group 3

- Notice of Substitute Well Application – Section 2-2-115(1)(c)
- Notice of Redundant Well Application - Section 2-2-115(7)
- Non-Consumptive Geothermal Heating or Cooling Exchange Well Application– Section 2-2-119(2)
- Completion of Non-Consumptive Geothermal Heating or Cooling Exchange Well Notice - Section 2-2-119(7)

Tribes will develop Trust Status Conversion form (Section 2-2-125) following the format provided in other forms.

**REGISTRATION OF EXISTING USES OF
NON-TRIBAL WATER RIGHTS**

Use for filing existing uses of water of the Reservation which are not part of the Tribal Water Right.

Check all appropriate boxes and fill in each blank. If more space is needed, attach properly labeled additional information. To avoid processing delays, submit all required information.

Completion # _____ Basin _____

Date Received _____

Priority Date _____

Time _____ AM / PM

Rec'd By _____

File this form within 180 days of the Effective Date of the Administrative Ordinance (XXXXXXX).

PLEASE MARK THE STATEMENT THAT IS APPLICABLE TO YOUR USAGE. IF NONE OF THE STATEMENTS ARE APPLICABLE, YOU CANNOT USE THIS FORM.

- ☐ The use began on or before June 30, 1973 and was exempt from the claim filing requirements pursuant to § 85-2-222, MCA. A Statement of Claim was not filed with the State of Montana.
- ☐ The use began on or after July 1, 1973 and qualified as an exception to the permit requirements set out in § 85-2-306, MCA. A notice (Form 602 or 605) was filed with DNRC. DNRC Water Right Number: _____
- ☐ The use began on or after July 1, 1973 and qualified as an exception to the permit requirements set out in § 85-2-306, MCA. A notice (Form 602 or 605) was not filed with DNRC.

1. NAME OF APPLICANT _____

Mailing Address _____

City / Town _____

Cell Phone _____

State _____

Zip _____

Work Phone _____

Home Phone _____

2. DATE OF FIRST USE OF WATER _____**3. SOURCE OF WATER SUPPLY****GROUNDWATER**☐ Well (attach well log)☐ Developed Spring☐ Pit/Pond

If Pit/Pond selected complete the following:

PIT: surface area _____ acres X maximum depth _____ feet X 0.5 = _____ capacity in acre-feet

DAM: surface area _____ acres X maximum depth _____ feet X 0.4 = _____ capacity in acre-feet

SURFACE WATER☐ Stream☐ Undeveloped Spring

Source Name _____

Unnamed Source Tributary to _____

4. POINT OF DIVERSION Describe the location to the nearest 10 acres.

(a) _____ 1/4 _____ 1/4 _____ 1/4 Sec _____ Twp _____ N/S Rge _____ E/W County _____

Lot _____ Block _____ Tract No. _____ Subdivision Name _____

Government Lot _____ Latitude _____ Longitude _____

(b) _____ 1/4 _____ 1/4 _____ 1/4 Sec _____ Twp _____ N/S Rge _____ E/W County _____

Lot _____ Block _____ Tract No. _____ Subdivision Name _____

Government Lot _____ Latitude _____ Longitude _____

5. PURPOSE OF USE Check the boxes that pertain to your development.☐ Domestic

Number of Homes Supplied _____

- ☐ Lawn & Garden Maximum size: acres _____ -or- length _____ ft width _____ ft
- ☐ Stock Maximum Number and Type _____
- ☐ Irrigation _____
- ☐ Other Purpose _____

6. FLOW RATE, VOLUME, PURPOSE OF USE, AND PERIOD OF USE

_____ (cfs/gpm) up to _____ acre-feet for _____ purpose (month/day) _____ to (month/day) _____

_____ (cfs/gpm) up to _____ acre-feet for _____ purpose (month/day) _____ to (month/day) _____

_____ (cfs/gpm) up to _____ acre-feet for _____ purpose (month/day) _____ to (month/day) _____

Total Amount Requested _____ (cfs/gpm) up to _____ acre-feet per year

7. PLACE OF USE Geocode of the place of use (17 digits) _____

If there are multiple places of use, list the geocode for each parcel on an attached sheet. The geocodes can be found at the County Clerk and Records Office or by visiting <http://gis.mt.gov/>.

☐ Same as Point of Diversion -or-

_____ 1/4 _____ 1/4 _____ 1/4 Sec _____ Twp _____ N/S Rge _____ E/W County _____

Lot _____ Block _____ Tract No. _____ Subdivision Name _____

Government Lot _____ Latitude _____ Longitude _____

_____ 1/4 _____ 1/4 _____ 1/4 Sec _____ Twp _____ N/S Rge _____ E/W County _____

Lot _____ Block _____ Tract No. _____ Subdivision Name _____

Government Lot _____ Latitude _____ Longitude _____

8. AFFIDAVIT

I affirm the information provided for this Notice of Completion is to the best of my knowledge true and correct.

Applicant's Signature _____

Date _____

Applicant's Signature _____

Date _____

Applicant's Signature _____

Date _____

State of Montana

County of _____

Signed or acknowledged before me on _____ by _____

Notary's Signature _____

Notary's Name (Printed) _____

Notary public for the State of _____

Residing at _____

My commission expires _____

Affix Notarial Seal/Stamp Above

REGISTRATION OF EXISTING USES OF TRIBAL WATER RIGHT APPLICATION

Use for filing existing uses of water of the Reservation which are part of the Tribal Water Right.

Check all appropriate boxes and fill in each blank. If more space is needed, attach properly labeled additional information. To avoid processing delays, submit all required information.

Completion # _____ Basin _____

Priority Date _____

Time _____ AM / PM

Rec'd By _____

Fee Rec'd _____ Check # _____

Refund _____ Date _____

File this form within 3 years of the Effective Date of the Administrative Ordinance (XXXXXXX).

1. NAME OF APPLICANT _____

Mailing Address _____

City / Town _____

Cell Phone _____

Work Phone _____

State _____

Zip _____

Home Phone _____

2. SOURCE OF WATER SUPPLY

GROUNDWATER

☐ Well (attach well log)☐ Developed Spring☐ Pit/Pond

SURFACE WATER

☐ Stream☐ Undeveloped Spring☐ Lake/Reservoir

Source Name _____

Unnamed Source Tributary to _____

OTHER SOURCE _____

3. POINT OF DIVERSION Describe the location to the nearest 10 acres.

(a) _____ 1/4 _____ 1/4 _____ 1/4 Sec _____ Twp _____ N/S Rge _____ E/W County _____

Lot _____ Block _____ Tract No. _____ Subdivision Name _____

Government Lot _____ Latitude _____ Longitude _____

(b) _____ 1/4 _____ 1/4 _____ 1/4 Sec _____ Twp _____ N/S Rge _____ E/W County _____

Lot _____ Block _____ Tract No. _____ Subdivision Name _____

Government Lot _____ Latitude _____ Longitude _____

4. MEANS OF DIVERSION

☐ Headgate☐ Pump☐ Pipeline

_____ Rated Capacity (GPM or CFS)

☐ Dam / Pit

_____ Horsepower

☐ Other _____

_____ Lift in Feet

5. RESERVOIR INFORMATION

☐ Not Applicable

Name (if any) _____

☐ On-stream -or- ☐ Off-stream

Location of impoundment structure (dam or pit): Describe the location where the pit or dam crosses the source.

_____ 1/4 _____ 1/4 _____ 1/4 Sec _____ Twp _____ N/S Rge _____ E/W County _____

PIT: surface area _____ acres X maximum depth _____ feet X 0.5 = _____ capacity in acre-feet

DAM: surface area _____ acres X maximum depth _____ feet X 0.4 = _____ capacity in acre-feet

6. **PERIOD OF DIVERSION** The period during the year when the water will be diverted, impounded, or withdrawn from the source.

(month/day) _____ to (month/day) _____

7. **PURPOSE OF USE** Check the boxes that pertain to your development.

- ☐ Domestic Number of Homes Supplied _____
- ☐ Lawn & Garden Maximum size: acres _____ -or- length _____ ft width _____ ft
- ☐ Stock Maximum Number and Type _____
- ☐ Irrigation
- ☐ Sprinkler (type) _____
- ☐ Flood (explanation) _____
- ☐ Other _____
- ☐ Other Purpose _____

8. **FLOW RATE, VOLUME, PURPOSE OF USE, AND PERIOD OF USE**

_____ (cfs/gpm) up to _____ acre-feet for _____ purpose (month/day) _____ to (month/day) _____

_____ (cfs/gpm) up to _____ acre-feet for _____ purpose (month/day) _____ to (month/day) _____

_____ (cfs/gpm) up to _____ acre-feet for _____ purpose (month/day) _____ to (month/day) _____

Total Amount Requested _____ (cfs/gpm) up to _____ acre-feet per year

9. **PLACE OF USE**

(a) **Geocode** of the place of use (17 digits) _____

If there are multiple places of use, list the geocode for each parcel on an attached sheet. The geocodes can be found at the County Clerk and Records Office or by visiting <http://gis.mt.gov/>.

(b) **Irrigation / Lawn & Garden**

Total Acres _____ County _____ Subdivision Name _____

_____ Acres _____ Lot _____ Block _____ 1/4 _____ 1/4 _____ 1/4 Sec _____ Twp _____ N/S Rge _____ E/W

_____ Acres _____ Lot _____ Block _____ 1/4 _____ 1/4 _____ 1/4 Sec _____ Twp _____ N/S Rge _____ E/W

_____ Acres _____ Lot _____ Block _____ 1/4 _____ 1/4 _____ 1/4 Sec _____ Twp _____ N/S Rge _____ E/W

_____ Acres _____ Lot _____ Block _____ 1/4 _____ 1/4 _____ 1/4 Sec _____ Twp _____ N/S Rge _____ E/W

(c) **Non-Irrigation**

(i) Purpose of Use _____ Place of use same as Point of Diversion, **CHECK** ☐

_____ 1/4 _____ 1/4 _____ 1/4 Sec _____ Twp _____ N/S Rge _____ E/W County _____

Lot _____ Block _____ Tract # _____ Government Lot _____

(ii) Purpose of Use _____ Place of use same as Point of Diversion, **CHECK** ☐

_____ 1/4 _____ 1/4 _____ 1/4 Sec _____ Twp _____ N/S Rge _____ E/W County _____

Lot _____ Block _____ Tract # _____ Government Lot _____

10. **AFFIDAVIT**

I affirm the information provided for this Notice of Completion is to the best of my knowledge true and correct.

Applicant's Signature _____

Date _____

Applicant's Signature _____

Date _____

Applicant's Signature _____

Date _____

State of Montana

County of _____

Signed or acknowledged before me on _____ by _____

Notary's Signature _____

Notary's Name (Printed) _____

Notary public for the State of _____

Residing at _____

My commission expires _____

Affix Notarial Seal/Stamp Above

Form No.

FLATHEAD RESERVATION WATER PERMIT APPLICATION

EXHIBIT A

Use for any new proposed use of ground or surface water.

Use one application for each source of supply or each development. Check all appropriate boxes and fill in each blank. If more space is needed, attach properly labeled additional information. To avoid processing delays, submit all required information.

FILING FEE: _____

Application # _____ Basin _____

Priority Date _____

Time _____ AM / PM

Rec'd By _____

Fee Rec'd \$ _____ Check # _____

Refund _____ Date _____

1. NAME OF APPLICANT _____

Mailing address _____

City or Town _____ State _____ Zip _____

Phone _____ Email Address _____

2. SOURCE OF WATER SUPPLY

☐ Well Estimated Depth in Feet _____ ☐ Developed Spring Name _____

☐ Lake Name _____ Tributary to _____

☐ Stream Name _____

☐ Unnamed Source - Tributary to _____

☐ Closed Basin (A closed basin results when water drains into a depression, lake, etc. from which water escapes only by evaporation.)

☐ Other _____

3. GROUNDWATER WELL

If the source of water will be a well, an aquifer test is required. For the minimum requirements for conducting an aquifer test see the Aquifer Testing Addendum. Indicated that the following are attached.

☐ Well Log

☐ Aquifer Test data

4. POINT OF DIVERSION

Describe the location to the nearest 10 acres.

(a) _____ 1/4 _____ 1/4 _____ 1/4 Sec _____ Twp _____ N/S Rge _____ E/W County _____

Lot _____ Block _____ Tract No. _____ Subdivision Name _____

Government Lot _____ Latitude _____ Longitude _____

(b) _____ 1/4 _____ 1/4 _____ 1/4 Sec _____ Twp _____ N/S Rge _____ E/W County _____

Lot _____ Block _____ Tract No. _____ Subdivision Name _____

Government Lot _____ Latitude _____ Longitude _____

5. MEANS OF DIVERSION

☐ Headgate

☐ Pipeline (description) _____

☐ Dam (Complete item 5)

☐ Pit (Complete item 5)

☐ Other _____

☐ Pump

_____ Rated Capacity (GPM or CFS)

_____ Horsepower

_____ Lift in Feet

Describe your plans for measuring your water use: _____

6. RESERVOIR Check the boxes that pertain to reservoirs greater than 0.10 acre-feet. See formulas below for computing capacity.

☐ Proposed New Capacity _____ acre-feet, Name (if any) _____

☐ Existing Reservoir Water Right # _____

Existing Reservoir Capacity _____ acre-feet, Name (if any) _____

Proposed Enlarged Reservoir Capacity _____ acre-feet

☐ Annual volume of water that will evaporate from the reservoir surface. _____ Acre-feet. Deviations from the acceptable standards in ARM 36.12.116(1) require supporting information.

☐ Drainage device will be installed

☐ Reservoir located on the source

☐ Reservoir located away from the source

Location of impoundment structure (dam or pit): Describe the location where the pit or dam crosses the source.

_____ 1/4 _____ 1/4 _____ 1/4 Sec. _____ Twp _____ N/S Rge _____ E/W County _____

PIT: surface area _____ acres X maximum depth _____ feet X 0.5 = _____ capacity in acre-feet

DAM: surface area _____ acres X maximum depth _____ feet X 0.4 = _____ capacity in acre-feet

Explain the conveyance means to and from the reservoir and any losses that may occur with that conveyance.

7. PERIOD OF DIVERSION The period during the year when the water will be diverted, impounded, or withdrawn from the source.

(month/day) _____ to (month/day) _____

8. PROPOSED BENEFICIAL USE Check the boxes that pertain to your development.

☐ Domestic Number of Homes to be Supplied _____

☐ Lawn & Garden Maximum size in acres _____

☐ Stock Maximum Number and Type _____

☐ Industrial ☐ Mining ☐ Municipal ☐ Power

☐ Wetland ☐ Fish ☐ Wildlife ☐ Recreation

☐ Irrigation

☐ Sprinkler (type) _____ ☐ Contour Ditch ☐ Border Dike

☐ Waterspreading / Spreader Dike

☐ Other _____

☐ Crop to be grown: _____

☐ Other Purpose _____

9. SUPPLEMENTAL WATER RIGHTS

☐ If this application is to provide supplemental water to another water right, provide the number of the water right that is being supplemented.

☐ Explain why supplemental water is needed and how the water rights will be collectively operated. _____

10a. PLACE OF USE

(a) **Geocode** of the place of use (17 digits) _____
If there are multiple places of use, list the geocode for each parcel on an attached sheet. The geocodes can be found at the County Clerk and Recorders Office or by visiting <http://gis.mt.gov/>.

(b) Irrigation / Lawn & Garden

County _____ Subdivision Name _____

____ Acres ____ Lot ____ Block ____ 1/4 ____ 1/4 ____ 1/4 Sec ____ Twp ____ N/S Rge ____ E/W

____ Acres ____ Lot ____ Block ____ 1/4 ____ 1/4 ____ 1/4 Sec ____ Twp ____ N/S Rge ____ E/W

____ Acres ____ Lot ____ Block ____ 1/4 ____ 1/4 ____ 1/4 Sec ____ Twp ____ N/S Rge ____ E/W

____ Acres ____ Lot ____ Block ____ 1/4 ____ 1/4 ____ 1/4 Sec ____ Twp ____ N/S Rge ____ E/W

____ Acres ____ Lot ____ Block ____ 1/4 ____ 1/4 ____ 1/4 Sec ____ Twp ____ N/S Rge ____ E/W

____ Total Acres

10b. PLACE OF USE

(c) Non-Irrigation

(i) Purpose of Use _____ Place of use same as Point of Diversion, **CHECK** ☐
____ 1/4 ____ 1/4 ____ 1/4 Sec ____ Twp ____ N/S Rge ____ E/W County _____
Lot _____ Block _____ Tract # _____ Government Lot _____

(ii) Purpose of Use _____ Place of use same as Point of Diversion, **CHECK** ☐
____ 1/4 ____ 1/4 ____ 1/4 Sec ____ Twp ____ N/S Rge ____ E/W County _____
Lot _____ Block _____ Tract # _____ Government Lot _____

11. FLOW RATE, VOLUME, CONSUMPTIVE VOLUME, PURPOSE OF USE, AND PERIOD OF USE

____ (cfs/gpm) up to ____ acre-feet (diverted) and ____ acre-feet (consumed) for _____ purpose
Period of use: (month/day) _____ to (month/day) _____

____ (cfs/gpm) up to ____ acre-feet (diverted) and ____ acre-feet (consumed) for _____ purpose
Period of use: (month/day) _____ to (month/day) _____

____ (cfs/gpm) up to ____ acre-feet (diverted) and ____ acre-feet (consumed) for _____ purpose
Period of use: (month/day) _____ to (month/day) _____

Total Amount Requested ____ (cfs/gpm) up to ____ acre-feet per year (diverted) and ____ acre feet per year (consumed)

12. GENERAL PROJECT PLAN & PROPOSED COMPLETION PERIOD

What year will the project completed and all of the water put to beneficial use? _____

Explain why this amount of time is requested. Include information about the cost, magnitude, complexity, or any other reason for the time period requested. _____

Generally identify what will be completed and how much water will be put to use during each year until the project is completed.

13. LOCATION MAP Must be included

A map showing the following items must accompany this application. A USDA aerial photo or USGS topographic map must be used.

- | | | |
|--------------------------------|---|--------------------------------------|
| a) Section Corners and Numbers | c) Point of Diversion | e) Location of Ditch, Pipeline, etc. |
| b) Township and Range Numbers | d) Place of Use (Subdivision, Irrigated Acres, Stock Tanks, etc.) | |

14. REMARKS (Provide any additional information to explain the proposed appropriation.)

15. CONTACT PERSON Who should we contact with questions about this application?

- ☐ Check, if same as applicant ☐ Check, if contact is an attorney

Name of Contact _____ Title _____

Mailing address _____

City or Town _____ State _____ Zip _____

Phone _____ Email address _____

NOTE: If a contact person is identified as an attorney, all communication will be sent only to the attorney unless the attorney provides written instruction to the contrary. If a contact person is identified as a consultant, employee, or lessee, the individual filing the water right form or objection form will receive all correspondence and a copy may be sent to the contact person.

16. AFFIDAVIT

I affirm the information provided for this application is to the best of my knowledge true and correct. I also affirm I have possessory interest or the written consent of the person with the possessory interest, in the property where the water is to be put to beneficial use and if applicable, exclusive property rights in the groundwater development or the written consent of the person with those rights.

- ☐ Attach a copy of written consent from the person with possessory interest.

Applicant's Signature _____ **Date** _____

_____ **Date** _____

State of Montana

County of _____

Signed or acknowledged before me on _____ by _____

Notary's Signature _____

Notary's Name (Printed) _____

Notary public for the State of _____

Residing at _____

My commission expires _____

Affix Notarial Seal/Stamp Above

EXHIBIT B

ADDENDUM B FLATHEAD RESERVATION GROUNDWATER MINIMUM AQUIFER TESTING REQUIREMENTS

Use the information below to guide the required aquifer test and reporting requirements if proposing to appropriate from a ground water well. Variation from these requirements must be approved by the Water Engineer.

On a separate attachment, provide the information requested below.

- 1) Constant pumping rate greater than or equal to the requested pumping rate
 - a. Duration according to requested rate and/or volume:
 - i. 24 hours for up to 150 gpm up to 50 acre-feet annually
 - ii. 72 hours for over 150 gpm or over 50 acre-feet annually
- 2) Report data on electronic spreadsheet form
- 3) Recorded data from one or more observation wells in source aquifer located close enough to the production well so that drawdown is measurable and can be analyzed
- 4) Record water levels with 0.01-foot precision
- 5) Record water levels 48 hours prior to test start and correct for trend if present
- 6) Record discharge measurements and pumping and recovery water levels at intervals specified on electronic spreadsheet form
- 7) Discharged water must be conveyed a sufficient distance from the production and observation wells to prevent recharge to the aquifer during the test
- 8) Aquifer tests in more complex settings such as fractured rock will need to be of longer duration (7 days) and include additional observation wells as agreed upon between applicant and Water Engineer
- 9) Location Map of production well(s) and all observation wells

**IN THE WATER COURT OF THE STATE OF MONTANA
CONFEDERATED SALISH AND KOOTENAI TRIBES COMPACT**

IN THE MATTER OF THE ADJUDICATION)
OF EXISTING AND RESERVED RIGHTS)
TO THE USE OF WATER, BOTH SURFACE)
AND UNDERGROUND, OF THE)
CONFEDERATED SALISH AND KOOTENAI)
TRIBE OF INDIANS OF THE STATE OF)
MONTANA)

CASE NO. WC-201_- _

PRELIMINARY DECREE

THIS MATTER is before the Court on the joint motion of the State of Montana ("State"), the Confederated Salish and Kootenai Tribes ("Tribes"), and the United States of America on behalf of the Tribe ("United States") for the entry of a Preliminary Decree confirming the water rights of the Tribes as recognized in the State of Montana – Confederated Salish and Kootenai Tribes Water Rights Compact of 2015 ("Compact"). The Compact is found at Mont. Code Ann. 85-20-____. The Montana legislature approved the Compact in 2015; the United States Congress approved the Compact in 20__ and the Tribes ratified the Compact in 20__.

The Court has jurisdiction over this matter and enters this Preliminary Decree pursuant to Mont. Code Ann. 3-7-224, 85-2-231, and 85-2-702(3). Article VII.B.2 of the Compact provides that the Preliminary Decree shall include the entire Compact for purposes of notice and it is attached hereto as Decree Appendix 1. The Compact further provides that the Water Court's review of the Compact is limited to the parts of the Compact that determine the Tribes' water rights and their administration. See Compact, Article VII.B.2 in Decree Appendix 1. The Tribes, the State and the United States have in furtherance of Article VII.B.2 extracted the relevant provisions of Articles III and IV of the Compact that, along with the abstracts of water

rights attached hereto as Decree Appendix 2¹ and Decree Appendix 3², would comprise the Final Decree of the Tribes' water rights. These provisions of Articles III and IV of the Compact are reproduced below in Parts I through III of this Preliminary Decree. These provisions, along with the abstracts of water rights that are attached hereto as Decree Appendix 2 and Decree Appendix 3 specifically delineate the elements of the rights set forth in Article III of the Compact, that will be reviewed by the Court in this proceeding and that shall constitute the Tribes' water rights in a Final Decree.

Upon hearing the motion, the evidence presented, arguments of counsel, and being otherwise fully advised in the premises, the Court has determined that the motion should be GRANTED and it is hereby ORDERED, ADJUDGED AND PRELIMINARILY DECREED that the water rights quantified in the Compact are as follows:

Part I. Definitions.

Unless otherwise defined herein, capitalized terms used in this Preliminary Decree shall have the meaning set forth in the Compact.

Part II. Holders and Use of the Water Rights of the Tribes.

A. Holders of the Water Rights of the Tribes.

1. The Tribal Water Right shall be held in trust by the United States for the benefit of the Tribes, their members and Allottees.³ The name and mailing address of the holders of these rights are: The United States of America in trust for the Confederated Salish and Kootenai Tribes of Indians, c/o Regional Director, Bureau of Indian Affairs, Pacific Northwest Regional Office, 911 N.E. 11th Avenue, Portland,

¹ Decree Appendix 2 is comprised of the Compact appendices for the Tribal Water Right.

² Decree Appendix 3 is comprised of Compact appendices for those Water Rights Arising Under State Law owned by the Tribes in whole or in part that are set forth in Article III.D.4.a.i and III.D.5 of the Compact.

³ This sentence is copied from Article IV.A of the Compact. The other ownership information in this Part II.A is taken from the relevant abstracts of the rights that are included in Decree Appendices 2 and 3.

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Oregon, 97232-4169; Tribal Chairman, Confederated Salish and Kootenai Tribes of Indians, P.O. Box 278, Pablo, Montana 59855-0278.

2. For those Water Rights Arising Under State Law owned exclusively by the Tribes, the name and mailing address of the holder of the rights is: Tribal Chairman, Confederated Salish and Kootenai Tribes of Indians, P.O. Box 278, Pablo, Montana 59855-0278.
3. For those water rights co-owned by the Tribes and the Montana Fish Wildlife and Parks, the name and mailing address of the holders of the rights are: Tribal Chairman, Confederated Salish and Kootenai Tribes of Indians, P.O. Box 278, Pablo, Montana 59855-0278; Montana, State Dept of Fish Wildlife & Parks, P.O. Box 200701, Helena, Montana 59620-0701.
4. For those Water Rights Arising Under State Law co-owned by the Tribes and the United States Fish and Wildlife Service as part of the Tribal Water Right, the name and mailing address of the holders of the rights are: Tribal Chairman, Confederated Salish and Kootenai Tribes of Indians, P.O. Box 278, Pablo, Montana 59855-0278; USA (Department of the Interior Fish & Wildlife Service), Denver Federal Center, P.O. Box 25486, MS #60189, Denver, Colorado 80225-0486.

B. Use of the Water Rights of the Tribes.

1. Persons Entitled to Use the Water Rights of the Tribes.
 - a. The Tribal Water Right may be used by the Tribes, their Members, Allottees, or their lessees or assigns. FIIP customers who have assessed land within the FIIP who are in compliance with the applicable BIA rules and guidelines are

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entitled to have delivered an equitable share of the FIIP Water Use Right as provided by Article IV.D.2.

- b. The Water Rights Arising Under State Law of the Tribes set forth in Article III of the Compact that are owned exclusively by the Tribes may be used by the Tribes, or their lessees or assigns.
- c. The Water Rights Arising Under State Law of the Tribes set forth in Article III of the Compact that are co-owned by the Tribes and Montana Fish Wildlife and Parks, or co-owned by the Tribes and the United States Fish and Wildlife Service, may be used by their owners.

- 2. Effect of Non-Use of the Tribal Water Right. Non-use of all or any portion of the Tribal Water Right described in Article III shall not constitute a relinquishment, forfeiture, or abandonment of such right.⁴

Part III. Water Rights of the Tribes.

The following provisions, except where noted in brackets, are as set forth in Article III.A through III.H of the Compact.

- A. Religious and Cultural Uses.** The Tribal Water Right described in this [Part] III [of this Decree] includes all traditional, religious, or cultural uses of water by members of the Confederated Salish and Kootenai Tribes within Montana. Individual exercises of traditional cultural or religious uses are exempt from the Registration process contained in the Law of Administration. [As these uses are non-administrable, these rights do not have abstracts of water right associated with them.]

⁴ Parts II.B.1.a and B.2 are copied from Article IV.B.1 and B.2 of the Compact. Parts II.B.1.b-c are based on relevant parts of Article III of the Compact and the associated abstracts.

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B. Abstracts of Water Right. Abstracts of water right appended to this [Decree] are a substantive element of this [Decree]. [Second and third sentences omitted as unnecessary for this Decree.]

C. Basins 76L and 76 LJ and Flathead Indian Irrigation Project Irrigation Water Diversions from Basins 76F and 76N.

1. Quantification.

a. Flathead Indian Irrigation Project. The Tribes have the right to water that is supplied to the Flathead Indian Irrigation Project to be used for such purposes in such volumes and flow rates and from such sources of supply as identified in abstracts of water right attached hereto as [part of Decree Appendix 2 and Compact] Appendix 5. The FIIP will serve up to, but not more than 135,000 acres. The exercise of this portion of the Tribal Water Right is subject to [Part] IV.D through IV.F [of this Decree].
The priority date for the portion of the Tribal Water Right used by the FIIP is July 16, 1855.

b. Existing Uses by the Tribes, their Members and Allottees.

- i.** The Tribal Water Right includes all existing uses by the Tribes, their members and Allottees that are not Water Rights Arising Under State Law and are not otherwise specifically quantified in other sections of this [Part] III [of this Decree].
- ii.** Water Rights Arising Under State Law held by the Tribes, their Members and Allottees will be satisfied pursuant to their own terms as finally decreed by the Montana Water Court or permitted by the DNRC.

- iii. For each existing use identified in [Part] III.C.1.b.i [of this Decree] to be valid and enforceable, the Tribes, or each Tribal member or Allottee claiming such an existing use shall complete the process for the registration of uses of the Tribal Water Right set forth in the Law of Administration. Such uses include but are not limited to irrigation, Stock Water, domestic, commercial, municipal and industrial, as well as those historically irrigated allotments that are held by individuals in trust by the United States that are not served by the FIIP that are identified on the map and table attached to [the Compact] as Appendix 6.
 - iv. Uses of the Tribal Water Right for which abstracts are appended to this [Decree], including uses on the FIIP, are exempt from the registration requirement set forth in [Part] III.C.1.b.iii [of this Decree].
 - v. The priority date for water uses registered pursuant to [Part] III.C.1.b.iii [of this Decree] and the Law of Administration is July 16, 1855.
- c. **Flathead System Compact Water.** The Tribes have a direct flow water right from the Flathead River with the following elements:
- Source of Water:** Flathead River
- Point of Diversion:** From Flathead Lake or the Flathead River, either on or off of the Reservation
- Purpose:** Any beneficial use
- Diversion Volume:** 229,383 Acre-feet per year
- Depletion Volume:** 128,158 Acre-feet per year
- Period of Diversion and Depletion:** January 1 through December 31

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- i. [As provided for in the Federal legislation ratifying the Compact and as] part of the Tribal Water Right quantified in [Part] III.C.1.c [of this Decree], the Tribes [have] an allocation of 90,000 Acre-feet per year, as measured at the Hungry Horse Dam, of storage water in Hungry Horse Reservoir.
- ii. This water right shall be used in a manner that ensures impacts associated with the exercise of this water right are such that those impacts are no greater than those identified in model run: Natural Q + 90K of the United States Bureau of Reclamation's Final Flathead Basin Depletions Study (USBR, October 2012), appended [to the Compact] as Appendix 7. In the event that the impacts exceed those identified in model run: Natural Q + 90K of the United States Bureau of Reclamation's Final Flathead Basin Depletions Study, the use of the water right set forth in this [Part] III.C.1.c [of this Decree] shall be reduced in such amounts as are necessary to immediately achieve impacts that are no greater than those identified in model run: Natural Q + 90K of the United States Bureau of Reclamation's Final Flathead Basin Depletions Study.
- iii. The releases of the stored water identified in [Part] III.C.1.c.i [of this Decree] shall be limited in accordance with the "Biological Impact Evaluation and Operational Constraints for a proposed 90,000 Acre-foot withdrawal" (State of Montana, September 14, 2011) appended [to the Compact] as Appendix 8. The Parties upon mutual written agreement, and in conformance with other applicable provisions of law including but not

limited to the Endangered Species Act of 1973, 16 U.S.C. 1531, *et seq.*, may amend the Biological Impact Evaluation Constraints identified in the September 14, 2011 report. Such amendments are pursuant to, and shall not be deemed a modification or amendment of, [the] Compact.

- iv. The exercise of this water right shall conform with the minimum instream flow schedules, as measured at the USGS gaging station on the Flathead River at Columbia Falls (12363000) and the USGS gaging station on the Flathead River at Polson (12372000) as identified in Tables 3 through 6 of the United States Bureau of Reclamation's Final Flathead Basin Depletions Study, as well as the minimum flow requirements set forth in Table 5 must also be met downstream at USGS gaging station on the Flathead River at Perma (123887000). The exercise of this water right shall also conform to the ramping rates, as measured below Kerr and Hungry Horse Dams, and identified in Tables 3 through 6 of the United States Bureau of Reclamation's Final Flathead Basin Depletions Study. In the event that the minimum instream flow schedules or ramping rates are not met, the use of the water right set forth in [Part] III.C.1.c [of this Decree] shall be suspended until such time as those minimum instream flow schedules and ramping rates are achieved. The Parties upon mutual written agreement, and in conformance with applicable Endangered Species Act and Federal Energy Regulatory Commission licensing requirements for the three previously identified sites, may amend the limitations for releases from Hungry Horse Reservoir that are required to

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conform with minimum instream flow and ramping rate schedules at these sites. Such amendments are pursuant to, and shall not be deemed a modification or amendment of, [the] Compact.

- v. The exercise of this water right shall also conform with the Flathead Lake filling criteria identified on page 12 of the United States Bureau of Reclamation's Final Flathead Basin Depletions Study.
 - vi. The Tribes may use any amount of the stored water identified in [Part] III.C.1.c.i [of this Decree] that is not necessary to be released each year pursuant to the provisions of [Parts] III.C.1.c.ii-v [of this Decree], for any beneficial purpose, subject to the terms and conditions of this Compact, including the total diversion and depletion volumes associated with the water right set forth in [Part] III.C.1.c [of this Decree].
 - vii. Use of the 90,000 Acre-feet of water from Hungry Horse Reservoir is subject to the approval of, and any terms and conditions specified by, Congress.
 - viii. The priority date for Flathead System Compact Water is July 16, 1855.
 - ix. Any development by the Tribes of this Flathead System Compact Water Right outside the boundaries of the Reservation shall be pursuant to [Part] IV.B.[3 of this Decree].
 - x. The abstract of water right for this Flathead System Compact Water Right is attached hereto as [Decree Appendix 2 and Compact] Appendix 9.
- d. **Instream Flow Rights on Reservation.**

- i. **Natural Instream Flows.** The Tribes have Instream Flow rights in the quantities and locations identified in the abstracts of water right attached hereto as [part of Decree Appendix 2 and Compact] Appendix 10.
- ii. **FIIP Instream Flows.** The Tribes have Instream Flow rights in the quantities and locations identified in the abstracts of water right attached hereto as [part of Decree Appendix 2 and Compact] Appendix 11. The exercise of these rights is subject to [Part] IV.C [of this Decree].
- iii. **Other Instream Flows.** The Tribes have Instream Flow rights in the quantities and locations identified in the abstracts of water right attached hereto as [part of Decree Appendix 2 and Compact] Appendix 12. The Tribes shall defer the enforcement of each of these rights until an enforceable flow schedule for that right has been established pursuant to the process set forth in the Law of Administration for the development of such enforceable schedules.
- iv. **Interim Instream Flows.** Until such time as the Instream Flow water rights set forth in [Part] III.C.1.d.ii [of this Decree] become enforceable, the Tribes shall be entitled to enforce those interim instream flows established pursuant to *Joint Board of Control v. United States*, 832 F.2d 1127, *cert. denied*, 486 U.S. 1007 (1988), in any stream subject to those interim instream flows. These interim instream flows are identified in the document attached [to Compact] Appendix 13. The Tribes and the United States shall enforce these interim instream flows only pursuant to existing practice as of December 31, 2014, as described in the protocols attached

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[to the Compact] as Appendix 14. If operational or other improvements agreed to by the Tribes and Project Operator lead to greater interim instream flows, then those instream flows will also be enforceable only pursuant to existing practice as December 31, 2014, as described in the protocols attached [to the Compact] as Appendix 14. Once the Instream Flow water rights set forth in [Part III.C.1.d.ii of this Decree] become enforceable for any stream identified in this [Part III.C.1.d.iv of this Decree], the interim instream flow for that stream shall cease to be effective in the relationship identified in [Compact] Appendix 13.

- v. The priority date for the Instream Flow water rights set forth in this [Part] III.C.1.d [of this Decree] is time immemorial.

e. Minimum Reservoir Pool Elevations in Flathead Indian Irrigation Project Reservoirs.

- i. The Tribes have the right to water necessary to maintain minimum pool water levels for FIIP reservoirs in the quantities and locations set forth in the table and abstracts of water right appended hereto as [part of Decree Appendix 2 and Compact] Appendix 15. The exercise of this portion of the Tribal Water Right is subject to [Part] IV.C. and E. and superseding federal law allowing for regulation of reservoir elevations.
- ii. The Minimum Reservoir Pool Elevations will become enforceable on the schedule according to the schedule attached [to the Compact] as Appendix 3.4.
- iii. The priority date for the water rights set forth in [Part] III.C.1.e [of this Decree] is July 16, 1855.

iv. Until such time as the minimum pool water elevations set forth in [Part] III.C.1.e. become enforceable, the Tribes shall be entitled to enforce those interim reservoir pool elevations identified [Compact] Appendix 13. The Tribes and the United States shall enforce these interim reservoir pool elevations only pursuant to [Compact] Appendix 13 or existing practice as of December 31, 2014, and subject to superseding federal law allowing for regulation of reservoir elevations.

f. **Wetland Water Right.** The Tribes have the right to all naturally occurring water necessary to maintain the Wetlands identified in the abstracts of water right attached hereto as [part of Decree Appendix 2 and Compact] Appendix 16.

The priority date for the Wetlands water rights set forth in [Part] III.C.1.f [of this Decree] is time immemorial.

g. **High Mountain Lakes Water Right.** The Tribes have the right to all naturally occurring water necessary to maintain the High Mountain Lakes identified in the abstracts of water right attached hereto as [part of Decree Appendix 2 and Compact] Appendix 17.

The priority date for the High Mountain Lakes water rights set forth in [Part] III.C.1.g [of this Decree] is time immemorial.

h. **Flathead Lake.** The Tribes have the right to all naturally occurring water necessary to maintain the level of the entirety of Flathead Lake at an elevation of 2883 feet above mean sea level as described in the abstract of water rights attached hereto as [part of Decree Appendix 2 and Compact] Appendix 18.

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The priority date for the water right set forth in [Part] III.C.1.h [of this Decree] is time immemorial.

- i. **Boulder Creek Hydroelectric Project.** The Tribes have the right to water necessary to operate the Boulder Creek Hydroelectric Project as identified in the abstracts of water right attached hereto as [part of Decree Appendix 2 and Compact] Appendix 19.

The priority date for the Boulder Creek Hydroelectric Project water right set forth in [Part] III.C.1.i [of this Decree] is July 16, 1855.

- j. **Hellroaring Hydroelectric Project.** The Tribes have the water right to water necessary to operate the Hellroaring Hydroelectric Project as identified in the abstracts of water right attached hereto as [part of Decree Appendix 2 and Compact] Appendix 20.

The priority date for the Hellroaring Hydroelectric Project water right set forth in [Part] III.C.1.j [of this Decree] is July 16, 1855.

- k. **Wetlands Appurtenant to Lands Owned by Montana Fish Wildlife and Parks.** The Tribes and MFWP have the right to all naturally occurring water necessary to maintain the Wetlands identified in the abstracts of water right attached hereto as [part of Decree Appendix 2 and Compact] Appendix 21.

The priority date for Wetland water rights appurtenant to lands owned by MFWP is time immemorial. [The remainder of the provisions of Compact Article III.C.1.k omitted as unnecessary for this Decree.]

- l. **Wetlands Appurtenant to Lands Owned by Department of Interior Fish and Wildlife Service.** The Tribes and DOI FWS have the right to all naturally

occurring water necessary to maintain the Wetlands identified in the abstracts of water right attached as [part of Decree Appendix 2 and Compact] Appendix 23.

The priority date for Wetland water rights appurtenant to lands owned by DOI FWS is time immemorial. [The remainder of the provisions of Compact Article III.C.1.1 omitted as unnecessary for this Decree.]

D. Instream Flow Water Rights Off of the Reservation.

- 1. Mainstem Instream Flow Right in the Kootenai River (Basin 76D).** The Tribes have an Instream Flow water right for the mainstem of the Kootenai River for the reach and with the associated flow rates set forth in the abstract of water right attached hereto as [part of Decree Appendix 2 and Compact] Appendix 25. The measurement point for this water right is USGS streamflow gage #12305000 located at Leonia, Idaho.
 - a. The priority date for this water right is time immemorial.
 - b. The period of use of this water right is January 1 to December 31 of each year.
 - c. The purpose of this water right is for the maintenance and enhancement of fish habitat to benefit the instream fishery. This right shall not be changed to any other or additional purpose, changed to consumptive use, or transferred to different ownership.
 - d. The point of diversion and place of use for this water is instream. This water right shall not be exercised in conjunction with any artificial diversion.
 - e. The ability to enforce this right shall be suspended so long as Libby Dam remains in existence and the Army Corps of Engineers' operations of that dam

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are conducted consistently with the 2008 Federal Columbia River Power System Biological Opinion, and the 2010 updated Biological Opinion, specifically as described in Reasonable and Prudent Alternative Action (RPA) No. 4 (Storage Project Operations), Table No. 1 (Libby Dam), including the Northwest Power and Conservation Council's 2003 mainstem amendments to the Columbia River Basin Fish and Wildlife Program, or any subsequent Biological Opinion(s) governing the same RPAs and Operations.

- f. In the event of changes to the U.S. Army Corps of Engineers' (Corps) responsibilities under the Endangered Species Act of 1973, 16 U.S.C. 1531, *et seq.* (ESA), such as the delisting of resident and anadromous fish species, that no longer require the Corps to operate Libby Dam pursuant to ESA section 7 biological opinions or other substantive ESA requirements, the United States, acting through the Corps, the Tribes, and the State shall establish written protocols and understandings on meeting and enforcing the Tribes' mainstem Instream Flow right in the Kootenai River while also ensuring that the Corps' operations of Libby Dam meet all Federal statutory and regulatory requirements and obligations. Provided however, that any such enforcement protocol shall not alter the limitations on Call set forth in [Part] III.D.1.g. [of this Decree].
- g. Should the suspension on enforcement set forth in [Part] III.D.1.e [of this Decree] be lifted due to the removal of Libby Dam, this water right may be exercised to make a Call only against junior users whose point of diversion is from the mainstem of the Kootenai River and not its tributaries, the purpose of

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whose rights is irrigation and whose source of supply is surface water, or against junior users the purpose of whose rights is irrigation, whose source of supply is Groundwater that is connected to the mainstem of the Kootenai River, and whose flow rate is greater than 100 gallons per minute.

- h. Call may be made only when the average daily flow drops below the enforceable level for the previous 24-hour period.

2. Mainstem Instream Flow Right in the Swan River (Basin 76K). The Tribes have an Instream Flow water right for the reach of the mainstem of the Swan River with the associated flow rates set forth in the abstract of water right attached hereto as [part of Decree Appendix 2 and Compact] Appendix 26. The measurement point for this water right is USGS streamflow gage #12370000 located immediately below Swan Lake near Big Fork, Montana.

- a. The priority date for this water right is time immemorial.
- b. The period of use of this water right is January 1 to December 31 of each year.
- c. The purpose of this water right is for the maintenance and enhancement of fish habitat to benefit the instream fishery. This right shall not be changed to any other or additional purpose, changed to consumptive use, or transferred to different ownership.
- d. The point of diversion and place of use for this water right is instream. This water right shall not be exercised in conjunction with any artificial diversion.
- e. The Tribes, and/or the United States on behalf of the Tribes, shall be entitled to make a Call to enforce this water right only against junior users the purpose of whose rights is irrigation and whose source of supply is surface water, or

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against junior users the purpose of whose rights is irrigation, whose source of supply is Groundwater connected to surface sources in Basin 76K and whose flow rate is greater than 100 gallons per minute.

- f. Call may be made only when the average daily flow drops below the enforceable level for the previous 24-hour period.

3. Mainstem Instream Flow Right in the Lower Clark Fork River (Basin 76M and

76N). The Tribes have a 5000 cfs Instream Flow water right for the reach of the mainstem of the Clark Fork River as set forth in the abstract of water right attached hereto as [part of Decree Appendix 2 and Compact] Appendix 27. The measurement point for this water right is USGS streamflow gage #12391950 located immediately below Cabinet Gorge Dam in Idaho.

- a. The priority date for this water right is time immemorial.
- b. The period of use of this water right is January 1 to December 31 of each year.
- c. The purpose of this water right is for the maintenance and enhancement of fish habitat to benefit the instream fishery. This right shall not be changed to any other or additional purpose, changed to consumptive use, or transferred to different ownership.
- d. The point of diversion and place of use for this water right is instream. This water right shall not be exercised in conjunction with any artificial diversion.
- e. The Tribes, and/or the United States on behalf of the Tribes, shall be entitled to make a Call to enforce this water right only against junior users whose point of diversion is from the mainstem of the Clark Fork River and not its tributaries, the purpose of whose rights is irrigation and whose source of

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supply is surface water, or against junior users the purpose of whose rights is irrigation, whose source of supply is Groundwater connected to the mainstem of the Clark Fork River and whose flow rate is greater than 100 gallons per minute.

- f. Call may be made only when the average daily flow drops below the enforceable level for the previous 24-hour period.
- g. For so long as the Cabinet Gorge and Noxon Dams remain in existence, the enforceable level of this right is a flow rate equal to the lesser of 5000 cfs or the minimum flow level established by the FERC as a condition on the license for the Cabinet Gorge and Noxon Dams as that license condition may be modified over time.

4. Co-ownership of Instream and Public Recreation Water Rights Held by MFWP.

- a. Upon the Effective Date, the Tribes shall be added as a co-owner with MFWP of the Water Rights Arising Under State Law held by MFWP for Instream Flow and recreation purposes that are identified on the tables attached [to the Compact] as Appendix 28 and Appendix 29. Nothing in this co-ownership changes any of the other elements of these Water Rights Arising Under State Law, including their priority dates or flow rates.
 - i. The Water Rights Arising Under State Law identified in Appendix 28 [to the Compact and the abstracts of which are attached hereto as Decree Appendix 3] shall be included as part of the proposed decree to be filed with the Montana Water Court pursuant to Article VII.B.1 [of the Compact].

- ii. The Water Rights Arising Under State Law identified in Appendix 29 [to the Compact] shall proceed through the Montana General Stream Adjudication as though they were not included in this Compact. [Two sentences omitted as unnecessary for this Decree.]

b. [Omitted as unnecessary for this Decree]

5. Co-ownership of Water Right Number 76M 94404-00 (Milltown Dam) in Basin 76G (Upper Clark Fork).

- a. Upon the date the ratification of this Compact by the Montana legislature becomes effective under State law, Water Right Arising Under State Law number 76M 94404-00 is changed as follows: the right is split into two separate active and enforceable Water Rights Arising Under State Law, 76M 94404-01 and 76M 94404-02, and the original water right elements shall be changed to support the maintenance and enhancement of fish habitat and shall take the form of two enforceable hydrographs. The elements of the changed and split water right are set forth in the two water rights abstracts attached hereto as [part of Decree Appendix 3 and Compact] Appendix 30. The measurement point for 76M 94404-01 is the USGS gage #12334550 at Turah, Montana, and the measurement point for 76M 94404-02 is the USGS gage #1234000 at Bonner, Montana.
 - i. The period of use of these water rights is January 1 to December 31 of each year.
 - ii. The point of diversion and place of use for these water rights is instream.
 - iii. These water rights shall not be exercised in conjunction with any artificial

diversion.

- iv. MFWP, and the Tribes after they become co-owners, and subject to the limitation on enforcement set forth in [Part III.D.5.c, of this Decree] shall be entitled to make a Call to enforce these water rights only against junior users the purpose of whose rights is irrigation and whose source of supply is surface water, or against junior users the purpose of whose rights is irrigation, whose source of supply is Groundwater and whose flow rate is greater than 100 gallons per minute.
 - v. The enforceable levels of these water rights are identified in the table attached hereto as [part of Decree Appendix 3 and Compact] Appendix 31. The minimum enforceable level of this right is 700 cfs at the location of USGS gage #1234000 at Bonner, and 500 cfs at the location of USGS gage #12334550 at Turah.
 - vi. Call may be initiated on the day following a five-consecutive-day-period where four out of five average daily river flows fall below their respective daily enforceable hydrograph values; Call may persist until such time as two average daily flows of the previous five-consecutive-day-period are in excess of their respective enforceable hydrograph's values.
- b. Upon the Effective Date, the Tribes shall be a co-owner with MFWP of these water rights. As co-owners, the Tribes and MFWP shall meet and confer on a biennial basis, or on such other timeframe as the Tribes and MFWP may mutually agree to, regarding the exercise of these rights, with a goal of establishing a joint plan for the exercise of this right. The establishment of

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such a plan is pursuant to, and shall not be deemed an amendment of, this Compact. Notwithstanding this planning process, the Tribes and MFWP each retains the unilateral right to exercise these water rights as each deems appropriate, but neither the Tribes nor MFWP has any affirmative duty to take any particular action in regard to the exercise of this right.

- c. The ability to enforce these rights shall be suspended for a period of 10 years from the date the ratification of [the] Compact by the Montana legislature becomes effective under State law. During and after this period, the Tribes and MFWP shall engage with other stakeholders in the Upper Clark Fork Basin on water management subjects including, but not limited to, drought planning and the exercise of this water right in conjunction with the other water rights in the Basin.
- d. For any analysis of the legal availability of water in the Upper Clark Fork Basin, these rights shall be considered to have a year-round flow rate of 2000 cfs as measured at the location of USGS gauge #12340500 below the confluence of the Blackfoot and Clark Fork Rivers.
- e. No owner of these water rights, acting independently or jointly, shall be entitled to lease, sell or change the purpose of these water rights.
- f. The Water Rights Arising Under State Law identified in [Part III.D.5 of this Decree] shall be finally decreed as part of the decree of this Compact that will be proposed to the Montana Water Court pursuant to Article VII.B [of the Compact].

6. Contract Rights to Stored Water Held by MFWP in Basin 76H (Bitterroot).

[Omitted as unnecessary for this Decree.]

7. Instream Flow Right on the North Fork of Placid Creek (Basin 76 F). The Tribes have the Instream Flow water right for the upper reach of the North Fork of Placid Creek with the associated flow rates set forth in the abstract of water right attached hereto as [part of Decree Appendix 2 and Compact] Appendix 35. The measurement point for this water right shall be within the main channel of the North Fork of Placid Creek, below the North Fork Placid Creek FIIP Diversion as located within the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 29 in Township 17 North Range 16 West.

- a. The priority date for this water right is time immemorial.
- b. The period of use of this water right is January 1 to December 31 of each year.
- c. The purpose of this water right is for the maintenance and enhancement of fish habitat to benefit the instream fishery. This right shall not be changed to any other or additional purpose, changed to consumptive use, or transferred to different ownership.
- d. The point of diversion and place of use for this water right is instream. This water right shall not be exercised in conjunction with any artificial diversion.
- e. The Tribes, and/or the United States on behalf of the Tribes, shall be entitled to make a Call to enforce this water right only against junior users the purpose of whose rights is irrigation and whose source of supply is surface water of Placid Creek, or against junior users the purpose of whose rights is irrigation, whose source of supply is Groundwater connected to Placid Creek and whose flow rate is greater than 100 gallons per minute.

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- f. Call may be made only when the average daily flow drops below the enforceable level for the previous 24-hour period.
- 8. **Instream Flow Rights on Kootenai River Tributaries (Basin 76D).** The Tribes have Instream Flow water rights for the reaches of the Kootenai River tributaries Big Creek, Boulder Creek, Steep Creek and Sutton Creek, with the associated flow rates set forth in the abstracts of water right attached hereto as [part of Decree Appendix 2 and Compact] Appendix 36.
 - a. The priority date for this water right is time immemorial.
 - b. The period of use of this water right is January 1 to December 31 of each year.
 - c. The purpose of this water right is for the maintenance and enhancement of fish habitat to benefit the instream fishery. This right shall not be changed to any other or additional purpose, changed to consumptive use, or transferred to different ownership.
 - d. The point of diversion and place of use for this water right is instream. This water right shall not be exercised in conjunction with any artificial diversion.
 - e. Existing water rights held by the United States Forest Service pursuant to the United States Forest Service-Montana Water Rights Compact 85-20-1401, MCA shall not be subject to Call by the Tribes and/or the United States on behalf of the Tribes.
 - f. The recognition of the Instream Flow water rights in this Article III.D.8 does not confer on the Tribes any authority over the management of National Forest System lands within Basin 76D, or any claim to ownership or other rights in that land. With the exception of future diversionary uses by the

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United States on National Forest System lands in excess of the Forest Service's existing or future reserved rights identified in Article III.D.8.e above, the Tribes hold the United States harmless for delivery of water or maintenance of flows to meet this instream flow right in Basin 76D.

- E. Period of Use.** The period of use of the Tribal Water Right set forth in [Part] III [of this Decree] shall be January 1 to December 31 of each year, provided however, that any portion of that water right that is dedicated to seasonal use, including irrigation use, shall have a period of use as set forth in the abstracts attached [to the Compact] as Appendix 5 or as set forth in the registration of such right pursuant to the Law of Administration, as applicable. . [The period of use of any Water Right Arising Under State Law owned exclusively by the Tribes or by the Tribes jointly with Montana Fish Wildlife and Parks or with the United States Fish and Wildlife Service shall be the period identified on the abstract of water right for that particular right as set forth in Appendix 3 of this Decree.]
- F. Points and Means of Diversion.** The points and means of diversion for use of the Tribal Water Right [or any Water Right Arising Under State Law owned exclusively by the Tribes or by the Tribes jointly with Montana Fish Wildlife and Parks or with the United States Fish and Wildlife Service] set forth in this [Part]III [of this Decree] are as set forth in the abstracts of water rights attached to this [Decree as part of either Decree Appendix 2 or Decree Appendix 3] or as may be provided for under the Law of Administration.
- G. Call Protection.**
- 1. Non-Irrigators.** The Tribes, on behalf of themselves and the users of any portion of the Tribal Water Right set forth in this [Decree], and the United States agree to relinquish their right to exercise the Tribal Water Right to make a Call against any

Water Right Arising Under State Law whose purpose(s) do(es) not include irrigation.

2. Groundwater Irrigators with Flow Rates Less Than 100 Gallons Per Minute.

The Tribes, on behalf of themselves and the users of any portion of the Tribal Water Right set forth in this [Decree] and the United States agree to relinquish their right to exercise the Tribal Water Right to make a Call against any Water Right Arising Under State Law whose purpose is irrigation and whose source of supply is Groundwater and whose flow rate is less than or equal to 100 gallons per minute.

3. Irrigators Within the FIIP Influence Area.

- a. The Tribes, the United States, and the Project Operator agree to relinquish their right to exercise the Tribal Water Right to make a Call against that portion of any Water Right Arising Under State Law identified in [Part] III.G.3.b [of this Decree] that is equal to the quantity of water established as the annual FIIP quota for the current irrigation season, or an equivalent farm delivery amount within the FIIP as implemented by the Project Operator within the applicable RDA Area, or the quantity allowed under a claim decreed by the Montana Water Court or water right granted by the DNRC (an Alternate Value), whose owner enters into a consensual agreement as described in this [Part] III.G.3 [of this Decree].
- b. Water Rights Arising Under State Law whose owners are eligible to enter into consensual agreements as described in this [Part] III.G.3 [of this Decree] are those rights:
 - i. whose purpose is irrigation;

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- ii. whose point(s) of diversion or place(s) of use are within the FIIP Influence Area; and
 - iii. whose source of supply is surface water; or
 - iv. whose source of supply is Groundwater and whose flow rate is greater than 100 gallons per minute.
- c. The Tribes, the United States, and the Project Operator, agree to enter into the consensual agreement described in this [Part] III.G.3 [of this Decree] with every owner of a Water Right Arising Under State Law described in [Part] III.G.3.b [of this Decree] who wishes to enter into such an agreement. The following conditions shall apply to any such consensual agreement:
 - i. the owner of a Water Right Arising Under State Law that meets the criteria described in [Part] III.G.3.b [of this Decree] shall measure all diversions, report the measured amount of those diversions to the Project Operator, agree to divert no more water each year than the lesser of the quantity established as the annual FIIP quota or an Alternate Value, and shall not expand water use beyond the terms of the agreement;
 - ii. the owner of a Water Right Arising Under State Law does not acquire any entitlement to any delivery or diversion of water from the FIIP, whether the water is stored or run of the river, by entering into a consensual agreement as described in this [Part] III.G.3 [of this Decree];
 - iii. irrigation use pursuant to any Water Right Arising Under State Law whose owner enters into a consensual agreement as set forth in this [Part] III.G.3 [of this Decree] shall be limited to the irrigation season identified

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annually by the FIIP and to such period of use limitation as may apply to FIIP irrigators;

- iv. the method and frequency of measurement of the diversion must be described and occur at a reasonable level of accuracy and frequency to demonstrate that the diversion does not exceed the lesser of the annual FIIP quota for a given irrigation season or an Alternate Value, and;
 - v. the agreement is permanent and is binding on the heirs and assigns of the owner of each Water Right Arising Under State Law who enters into such agreement.
 - vi. the agreement is permanent and is binding on the heirs and assigns of the owner of each Water Right Arising Under State Law who enters into such agreement
- d. The entering into a consensual agreement as set forth in this [Part] III.G.3 [of this Decree] does not relieve the owner of any claim to a Water Right Arising Under State Law that is at issue in the Montana General Stream Adjudication from the obligation of prosecuting that water right claim through the Montana General Stream Adjudication.
- e. If a consensual agreement is entered into among the Tribes, United States, the Project Operator and the owner of a Water Right Arising Under State Law described in this [Part] III.G.3.b [of this Decree] prior to the issuance of the final decree for Water Court Basin 76L and 76 LJ, as applicable, that agreement shall terminate as a matter of law if the claimed Water Right is terminated as a result of proceedings conducted in the Montana General

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Stream Adjudication.

- f. If a consensual agreement is entered into among the Tribes, the United States, the Project Operator, and the owner of a Water Right Arising Under State Law described in this [Part] III.G.3.b [of this Decree] prior to the issuance of the final decree for Water Court Basin 76L and 76 LJ, as applicable, and such owner has a claim in the Montana General Stream Adjudication that is ultimately decreed a quantity of water for that claim less than the quantity established in the agreement, the consensual agreement shall protect only the lesser amount of water.
- g. If the owner of a Water Right Arising Under State Law described in this [Part] III.G.3.b [of this Decree] ceases to use that portion of that water right in excess of the lesser of the annual FIIP quota for a given irrigation season, or an Alternate Value, pursuant to a consensual agreement as set forth in [Part] III.G.3 [of this Decree], pursuant to a consensual agreement as set forth in this [Part] III.G.3.b [of this Decree]:
 - i. that nonuse does not represent an intent by the owner of that water right to wholly or partially abandon that water right or to not comply with the terms and conditions of that right; and
 - ii. the period of nonuse may not create or may not be added to any previous period of nonuse to create a presumption of abandonment.
- h. Any use of a Water Right Arising Under State Law subject to a consensual agreement described in this [Part] III.G.3 [of this Decree] exceeding the volume of water specified in the consensual agreement shall be subject to Call

by the Tribes, the United States, or the Project Operator for that amount of water in excess of the terms of the consensual agreement.

- i. A Person who has both an entitlement to the delivery of water from the FIIP and a Water Right Arising Under State Law to serve the same acreage may only protect from Call, by entering into a consensual agreement pursuant to this [Part] III.G.3 [of this Decree], a total quantity of water equal to the lesser of the annual FIIP quota for a given irrigation season, or an Alternate Value, for each irrigation season for each acre served, irrespective of whether the water applied to each acre is pursuant to that Person's FIIP delivery right or that Person's Water Right Arising Under State Law.

4. **Water Rights Upstream of the Reservation (Basins 76I, 76J, and 76LJ).** The Tribes, on behalf of themselves and the users of any portion of the Tribal Water Right set forth in this [Decree], and the United States agree to relinquish their right to exercise the Tribal Water Right to make a Call against any water right located upstream of the Flathead Reservation in Basins 76I, 76J, and 76LJ, except for those Water Rights Arising Under State Law:

- a. whose purpose is irrigation and whose source of supply is surface water, and whose point of diversion is:
 - i. the mainstem of the Flathead River, including Flathead Lake;
 - ii. the North Fork of the Flathead River;
 - iii. the Middle Fork of the Flathead River; or
 - iv. the South Fork of the Flathead River.
- b. Whose purpose is irrigation, whose source of supply is Groundwater

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connected to one of the sources identified in [Part] III.G.4.a [of this Decree], and whose flow rate is 100 gallons per minute or greater.

- c. The Tribes and the United States agree that the Tribal Water Right recognized in the [Decree] may not be exercised to make Call against any Water Right Arising Under State Law upstream of the Flathead Reservation and located on a tributary to the Flathead River not identified in [Part] III.G.4.a [of this Decree].

5. Water Rights on the Little Bitterroot River Outside the Reservation (Basin 76L).

The Tribes, on behalf of themselves and the users of any portion of the Tribal Water Right set forth in this [Decree], and the United States agree to relinquish their right to exercise the Tribal Water Right to make a Call against any Water Right Arising Under State Law whose point of diversion is outside the Flathead Reservation and whose source of supply is the Little Bitterroot River or its tributaries.

- 6. Any Water Right Arising Under State Law the purpose of which is irrigation and that is susceptible to Call by the Tribes pursuant to [Parts] III.D.1.g, III.D.2.e, III.D.3.e, III.D.5.a.iv, III.D.7.e, III.G.4.a, or III.G.4.b [of this Decree] whose purpose is changed after the Effective Date to something other than irrigation shall remain susceptible to Call pursuant to the terms and conditions of this [Decree] as though the purpose of the Water Right Arising Under State Law was still irrigation.

H. Water Rights Arising Under State Law Appurtenant to Lands Acquired by the

Tribes. For lands acquired by the Tribes within the Reservation, the Tribes have the right to any Water Right Arising Under State Law acquired as an appurtenance to the land. At such time as the acquired land is transferred to trust title status or at the conclusion of the

adjudication of the Water Rights Arising Under State Law that are held by the Tribes, whichever is later, the Tribes shall file a Trust Transfer form with the Water Management Board, as provided in the Law of Administration and the water right appurtenant to the land shall be transferred to the Tribal Water Right quantified in this [Decree] with a priority date of July 16, 1855, provided that the Tribes shall continue to use the acquired water right as historically used or may change the use of the acquired water right pursuant to the provisions for change of use set forth in [Part] IV.[A of this Decree] and the Law of Administration.

Part IV. Conditions on Changes and New Development of the Tribal Water Right.⁵

A. Change in Uses of the Tribal Water Right.

Except for those portions of the Tribal Water Right that are not eligible to be changed to another purpose [as set forth in the abstracts of water right for those rights], any user of a portion of the Tribal Water Right who proposes to change such use must seek authorization to change the use of that right. Such applications for authorizations to change use shall be heard and decided by the [Water Management] Board pursuant to Article IV.C.4.b of the Compact and the Law of Administration, provided that the [Water Management] Board may not consider any change application of Flathead System Compact Water unless the applicant has secured the written consent of the Tribal Council to apply for a Change in Use authorization.

B. New Development of the Tribal Water Right.

1. The Tribes, or any Person with authorization from the Tribes, may develop a new use of the Tribal Water Right on the Reservation after the Effective Date. Such development may only proceed upon the issuance of an Appropriation Right for the

⁵ These provisions are copied, except where noted in brackets, from Articles IV.B.4 and 5 of the Compact.

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New Development by the [Water Management] Board pursuant to Article IV.C.4.a [of the Compact] and the Law of Administration.

2. The Tribes, or any Person with authorization from the Tribes, may develop a new use of the Flathead System Compact Water Right set forth in [Part] III.C.1.c [of this Decree] off the Reservation after the Effective Date, but only after complying with the provisions of [Part] IV.B.[3 of this Decree].
3. Any new development by the Tribes of a portion of the Tribes' Flathead System Compact Water Right off the Reservation shall be treated as a change in use. The DNRC shall process each change application pursuant to the provisions of 85-2-302, 307-310 and 314, MCA. Prior to developing Flathead System Compact Water for beneficial use off the Reservation, the Tribes must comply with the provisions of subsections (1)-(3) and (8)-(17) of 85-2-402, MCA, as those provisions read on December 31, 2012;
4. In the event that, after the Effective Date, the Montana legislature substantively amends or repeals any of the sections identified in [Part] IV.B.[3 of this Decree], the Tribes and the DNRC shall meet no later than 60 days after the effective date of the State legislative action amending or repealing to determine whether the provisions of State law set forth in [Part] IV.B.[3 of this Decree] or the new provisions of State law shall govern the process for off-Reservation development of new uses of the Flathead System Compact Water Right set forth in [Part] III.C.1.c [of this Decree]. In the event that the Tribes and the DNRC are unable to agree, the provisions of State law identified in [Part] IV.B.[3 of this Decree] shall remain in effect. Any modification to the provisions of [Part] IV.B.[3 of this Decree] agreed to by the Tribes and the

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DNRC in response to future State legislative action shall be pursuant to and not a modification or amendment to [the] Compact.

5. If the Tribes' use of Flathead System Compact Water off the Reservation involves diversion or transportation facilities located off the Reservation, the Tribes shall apply for and obtain all permits, certificates, variances and other authorizations required by State laws regulating, conditioning or permitting the siting, construction, operation, alteration or use of any equipment, device, facility or associated facility proposed to use or transport water, prior to exercising a use of the Flathead System Compact Water Right off the Reservation.

C. Exercise of Certain Portions of the Tribal Water Right Related to the FIIP.

1. Priority for the Exercise of the FIIP Instream Flow and FIIP Water Use Rights.

Once the water rights described in [Part] III.C [of this Decree] become enforceable, the following relative priorities among those rights shall apply:

- a. Minimum Enforceable Instream Flows.
 - b. Minimum Reservoir Pool Elevations.
 - c. River Diversion Allowances.
 - d. Target Instream Flows.
2. Reallocated Water in excess of Target Instream Flows will be split as equally as hydrologically practicable between the Instream Flow water rights set forth in [Part] III.C.1.d.ii and the FIIP Water Use Right set forth in [Part] III.C.1.a [of this Decree].
 3. **MEF and TIF implementation and schedule.** Exercise of FIIP Instream Flow Rights set forth in [Part] III.C.1.d.ii [of this Decree] shall be accomplished through the implementation and enforcement of MEFs and TIFs and is subject to the Shared

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Shortage and Adaptive Management provisions set forth in [Part] IV.E and F [of this Decree] and Appendix 3.5 [to the Compact].

- a. MEFs and TIFs shall be enforceable at the values set forth in Appendix 3.1 [to the Compact].
- b. Implementation and enforceability of MEFs and TIFs.
 - i. Incremental implementation of Operational Improvements will result in additional FIIP Instream Flow.
 - ii. MEFs and TIFs shall be enforceable following the completion of Operational Improvements according to the schedule attached [to the Compact] as Appendix 3.4.
 - iii. Reallocated Water from Rehabilitation and Betterment Projects shall be used to incrementally achieve FIIP Instream Flows set forth in [Part] III.C.1.d.ii [of this Decree].
 - iv. If the schedule attached [to the Compact] as Appendix 3.4 cannot be met due to lack of available funding or other circumstances outside of the control of the Parties or Project Operator, the Parties may agree to adjust the schedule as necessary to allow for timely implementation of MEFs and TIFs. [last sentence omitted as unnecessary for this Decree].
 - v. If the Project Operator fails to implement the schedule attached [to the Compact] as Appendix 3.4 due to acts, errors, or omissions of the Project Operator, MEFs and TIFs will be enforceable as though the schedule had been implemented.
- c. Until an MEF has become enforceable, the interim Instream Flow, where

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applicable, for that location shall be the enforceable Instream Flow. Where the Instream Flow has been incrementally increased above the interim Instream Flow level as a result of the partial completion of actions listed in the Implementation Schedule attached [to the Compact] as Appendix 3.4, the incrementally achieved level may be maintained until the MEF is achieved.

- d. Until a Minimum Reservoir Pool Elevation has become enforceable, the interim reservoir pool elevation, where applicable, for that location shall be enforced.
- e. TIFs shall be determined seasonally according to [Compact] Appendix 3.5, and will vary between the wet and normal year levels attached [to the Compact] as Appendix 3.1.

4. Minimum Reservoir Pool Elevations. Minimum Reservoir Pool Elevations attached hereto as Appendix 3.1 shall be enforceable according to the schedule specified in Appendix 3.4 [to the Compact]. Enforceability of Minimum Reservoir Pool Elevations is subject to [Part] IV.E [of this Decree], Appendix 3.5 [to the Compact], and superseding Federal law allowing for regulation of reservoir elevations.

D. Exercise of the FIIP Water Use Right.

1. FIIP Water Use Right.

- a. The FIIP Water Use Right shall be satisfied by meeting the RDA values for each RDA Area attached [to the Compact] as Appendix 3.2 and as evaluated pursuant to [part] IV.D.1.e [of this Decree].
- b. RDAs shall be enforceable according to the schedule attached [to the Compact] as Appendix 3.4, subject to evaluation pursuant to [Part] IV.D.1.e [of this Decree].

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- c. Headworks diversion amounts shall be progressively adjusted to achieve the RDAs as Operational Improvements are completed pursuant to Appendix 3.4 [to the Compact].
- d. Once RDAs are achieved through completion of Operational Improvements, headworks diversion amounts shall be progressively adjusted as Rehabilitation and Betterment is completed pursuant to Appendix 3.6 [to the Compact]. The enforceable RDA for the location in which a particular Rehabilitation and Betterment project has been completed is the amount defined in [Compact] Appendix 3.2, reduced by the volume of Reallocated Water made available by that Rehabilitation and Betterment project. The amount actually diverted may be adjusted pursuant to the evaluation process described in [Part] IV.D.1.e [of this Decree].
- e. RDA values shall be evaluated to ensure their adequacy to meet Historic Farm Deliveries. Initial evaluation of RDAs shall occur once the Parties and Project Operator have completed all Operational Improvements in a given RDA Area according to the schedule attached [to the Compact] as Appendix 3.4. Evaluation of RDAs will continue as part of the responsibilities of the CITT described in [Compact] Appendix 3.5 as follows:
 - i. The Project Operator must measure and record farm turnout deliveries within a given RDA Area.
 - ii. If the aggregate measured deliveries to farm turnouts do not meet Historic Farm Deliveries for a given RDA Area, actual diversions shall be adjusted to assure that Historic Farm Deliveries are met for wet,

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normal and dry water years. If water in excess of the RDA is needed to meet Historic Farm Deliveries, it will be provided through an increase of the Flathead River pumping plant diversion allowed by the Flathead Pumping Station RDA attached [to the Compact] as Appendix 3.2. If the aggregate measured deliveries to farm turnouts exceed Historic Farm Deliveries within an RDA Area, the actual diversions shall be reduced accordingly.

iii. Any adjustment of actual diversions pursuant to this section shall not result in decrease of the MEFs, TIFs, or Minimum Reservoir Pool Elevations.

f. RDAs are quantified for wet, normal, and dry Natural Flow years, attached [to the Compact] as Appendix 3.2, and shall be set each year according to the process specified in Appendix 3.5 [to the Compact].

2. FIIP Delivery Entitlement Statement. Assessed land within the FIIP is entitled to have water delivered by the Project Operator if the FIIP customer is in compliance with the applicable BIA rules and guidelines for FIIP. Beginning on the Effective Date, an owner of assessed land within the FIIP may request of the Project Operator a delivery entitlement statement, which must be tendered within 90 days of the request or denied for cause. Beginning on the date one year after the Effective Date, the delivery entitlement statement must be tendered or denied within 30 days. The delivery entitlement runs with the land and is valid so long as the land remains assessed and the FIIP customer is in compliance with the applicable BIA rules and guidelines for FIIP.

E. Shared Shortages Provision.

1. In the event that water supplies are inadequate to simultaneously satisfy an enforceable Instream Flow water right and a corresponding RDA, the provisions of [Part] IV.E [of this Decree] govern the exercise of the water rights set forth in [Parts] III.C.1.a and III.C.1.d.ii and iv [of this Decree] at that location. The CITT shall determine when Shared Shortages conditions begin and end as specified in Appendix 3.5 [to the Compact].
2. For purposes of [Part] IV.E [of this Decree], once MEFs and RDAs have become enforceable, they shall be maintained at the levels set forth in [Compact] Appendices 3.1 and 3.2, as adjusted pursuant to [Part] IV.D.1.e [of this Decree]. Prior to enforceability of the MEF and RDA levels attached hereto as [Compact] Appendices 3.1 and 3.2, Instream Flows will be maintained as provided by [Part] IV.C.3.c and RDAs will be maintained as provided by [Parts] IV.D.1.b and c [of this Decree].
3. Subject to the priority system set forth in [Part] IV.C.1 [of this Decree], RDAs shall be maintained by implementing the following measures in the order of priority set forth below:
 - a. Available Natural Flow or regulated streamflow shall be diverted by the Project Operator to satisfy RDAs.
 - b. If the application of [Part] IV.E.3.a [of this Decree] does not satisfy RDAs, Flathead River pumping plant diversions shall be increased as allowed by the Flathead Pumping Station RDA attached [to the Compact] as Appendix 3.2.
 - c. If the application of [Parts] IV.E.3.a and b [of this Decree] does not satisfy RDAs, FIIP reservoirs may be reduced below the Minimum Reservoir Pool

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Elevations specified in [Compact] Appendix 3.1 to supply RDAs, subject to [Part] IV.E.5 [of this Decree].

- d. If the application of [Parts] IV.E.3.a through c [of this Decree] does not satisfy RDAs, the Tribes shall make available for short-term lease Flathead System Compact Water for use within the FIIP as provided by Article IV.B.6.c.ii [of the Compact].
4. Within the Basin 76LJ portion of the Little Bitterroot Valley, RDAs shall be maintained by sequentially applying the procedures in [Parts] IV.E.3.a through c [of this Decree], where applicable.
5. As set forth in [Part] IV.E.3.c [of this Decree], FIIP reservoirs may be reduced below the Minimum Reservoir Pool Elevations set forth in [Part] III.C.1.e [of this Decree] to support RDAs as follows:
 - a. FIIP reservoirs may be reduced pursuant to this section for no more than four consecutive years.
 - b. [Part] IV.E.3.c [of this Decree] does not apply to Mission Reservoir.
 - c. FIIP reservoirs may not be reduced below the interim reservoir pool elevations set forth in [Part] III.C.1.e.iv [of this Decree] and attached [to the Compact] as Appendix 13.
 - d. RDAs may be met from carryover reservoir storage, at the discretion of the Project Operator.

F. Requirement to Implement Adaptive Management and Water Measurement.

1. The Parties agree that Adaptive Management and a comprehensive water measurement program, as described in [Compact] Appendix 3.5, are essential to the

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successful implementation of this Compact.

2. The Parties, upon mutual written agreement, and in conformance with the Compact and other applicable provisions of law, may amend [Compact] Appendix 3.5. Such modifications are pursuant to, and shall not be deemed an amendment of, this [Decree].

V. Relationship with Compact and Other Water Rights Claims.

This Decree is based upon the Compact. The water rights of the Tribes confirmed in this Decree are subject to all conditions upon use and administration set forth in the Compact. The water rights of the Tribes confirmed in this Decree are in full and final satisfaction of and are intended to be in replacement of and substitution for all claims to water or the use of water by the Tribes, Tribal members, and Allottees and the United States on behalf of the Tribes, Tribal members, and Allottees except for any Appropriation Rights or Water Rights Arising Under State Law held by the Tribes, their members, or Allottees. Upon entry of this Decree and the occurrence of the other events described in Compact Article VII.D.2, the Tribes and United States shall waive and dismiss all such claims as provided by Compact Article VII.C and D. Nothing in this Decree is intended to modify, alter, or amend the terms and provisions of the Compact.

VI. Jurisdiction of Court.

Nothing in this Decree or the Compact shall expand the subject matter jurisdiction of the Water Court of the State of Montana.

RESPECTFULLY SUBMITTED for approval this _____ day of

_____, 201_, by:

THE UNITED STATE OF AMERICA

THE CONFEDERATED SALISH AND
KOOTENAI TRIBES OF MONTANA

2015 PROPOSED DRAFT DECREE [SUBJECT TO REVISION]

By: _____
[FILL IN NAME]
United States Dept. of Justice
Environment & Natural Resources Div.
Indian Resources Section
999 18th Street
South Terrace #370
Denver, CO 80202

[FILL IN NAME]
United States Attorney
District of Montana

By: _____
[FILL IN NAME]
Chief Legal Counsel
Legal Department
PO Box 278
Pablo, MT 59855

THE STATE OF MONTANA

By: _____
[FILL IN NAME]
Assistant Attorney General
State of Montana
Justice Building
215 North Sanders
Helena, MT 59620-1401

APPROVED this _____ day of _____, 201_.

CHIEF WATER JUDGE

THE SECRETARY WAS GIVEN
A MEMOREX 8GB
USB FLASH DRIVE
WHICH HOLDS INFORMATION
ON SB 262

WHICH IS AT THE

Montana Historical Society Archives,
225 N. Roberts, Helena, MT 59620-1201; phone (406) 444-4774.

